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J. S. Roberts

## PROVISIONS

OF THE

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# ELECTION LAWS

OF THE

## STATE OF MISSOURI

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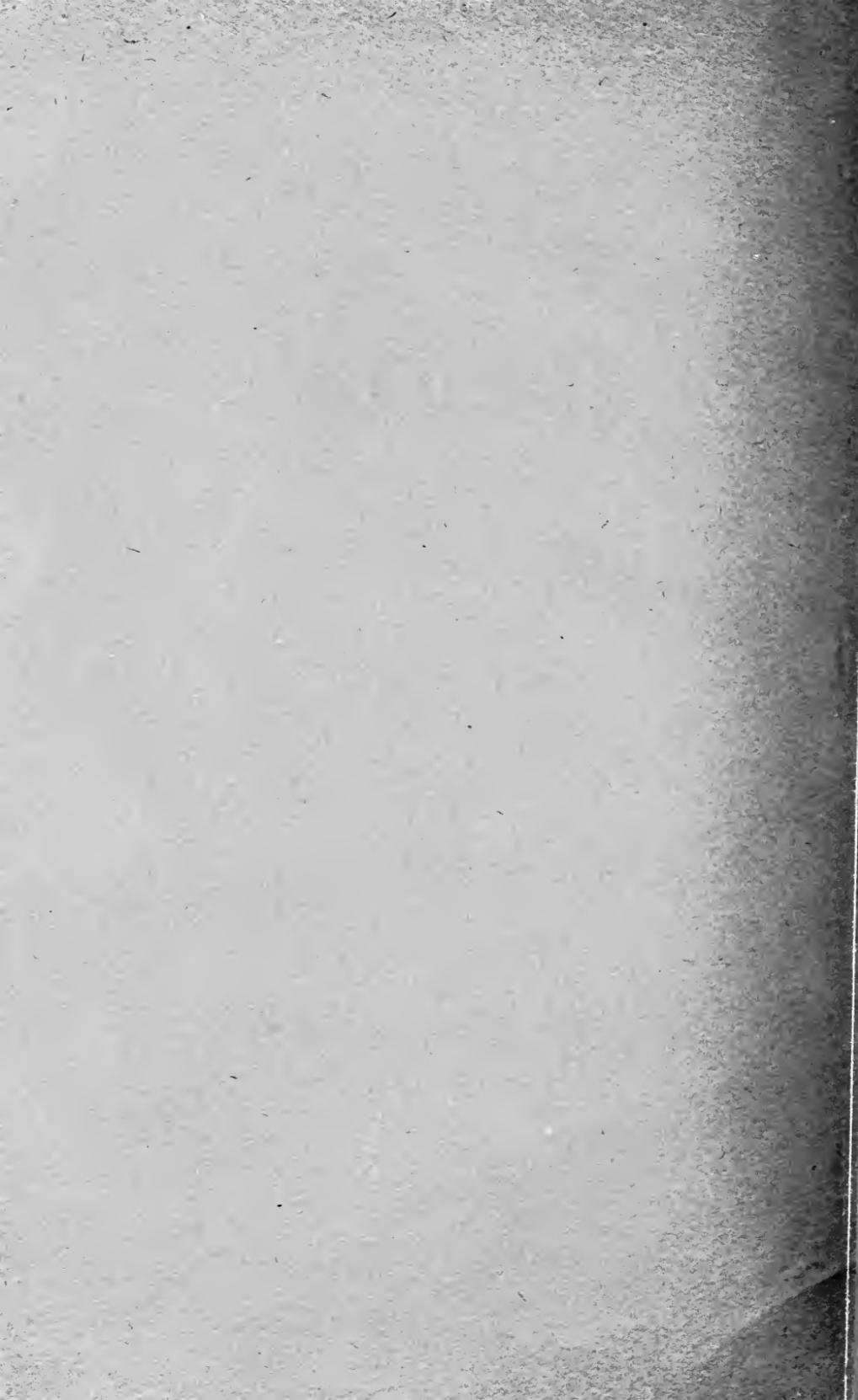
PRESCRIBING THE QUALIFICATIONS AND DUTIES OF VOTERS AND ELECTION OFFICERS, AND IMPOSING PENALTIES UPON ELECTION OFFICERS AND VOTERS AND PERSONS ATTEMPTING OR OFFERING TO VOTE IN NEGLECT OR VIOLATION OF LAW, ETC.

COMPILED FROM THE STATE CONSTITUTION AND LAWS,  
AND PUBLISHED UNDER AUTHORITY OF SECTION 7004, REV. STAT. 1899,  
BY JNO. E. SWANGER, SECRETARY OF STATE.

1906



**THE HUGH STEPHENS PRINTING COMPANY.**  
**JEFFERSON CITY, MO.**



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Missouri. Laws, STATUTES, ETC.

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# ELECTION LAWS OF MISSOURI.

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## CONSTITUTION OF 1875.

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### BILL OF RIGHTS.

#### ARTICLE II.

SEC. 9. **Elections must be free and open.**—That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. (a)

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### EXECUTIVE OFFICERS.

#### ARTICLE V.

SEC. 2. **Terms of office—Governor and treasurer ineligible to re-election—times of holding elections.**—The term of office of the governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney-general and superintendent of public schools shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the governor and state treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all of such officers, except the superintendent of public schools, shall be elected, and the superintendent of public schools shall be elected at the general election in the year one thousand eight hundred and seventy-eight, and every four years thereafter.

SEC. 3. **Returns—tie, how determined.**—The returns of every election for the above named officers (b) shall be sealed up and transmitted by the returning officers (c) to the secretary of state, directed to the speaker of the house of representatives, who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same, in the presence of a majority of each house of the general assembly, who shall for that purpose as-

(a) 41 Mo. 63. Poll-tax cannot be imposed for failure to vote. 136 Mo. 475.

(b) See sec. 7018, R. S. '98, for list of the officers referred to.

(c) The returning officers are the county clerks, and in St. Louis city, the board of election commissioners.

semble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the general assembly shall, by joint vote, choose one of such persons for said office.

## SUFFRAGE AND ELECTIONS.

### ARTICLE VIII.

**SECTION 1. General elections, when held.**—The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this constitution shall be held on that day, in the year one thousand eight hundred and seventy-six; but the general assembly may, by law, fix a different day—two-thirds of all the members of each house consenting thereto. (a)

**SEC. 2. Electors, qualifications of.**—Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

*First*—He shall have resided in the state one year immediately preceding the election at which he offers to vote.

*Second*—He shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election. (b)

**SEC. 3. Elections, how conducted and contested.**—All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: *Provided*, that in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law. (c)

**SEC. 4. Voters free from arrest, when.**—Voters shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

**SEC. 5. Registration in cities and counties.**—The general assembly shall provide, by law, for the registration of all voters in cities and counties having a population of more than one hundred thousand inhabitants, and may provide for such registration in cities having a

(a) The omission to hold an election at a proper time cannot be supplied by a subsequent one not provided for by law. 43 Mo. 281.

(b) "Citizen," as ordinarily used, means one entitled to vote. 92 Mo. 300; 137 Mo. 628, 636. See 155 Mo. 486.

(c) Ballots cannot be opened and counted except in cases of contested elections. 88 Mo. 557; 7 A. 106; 68 A. 121. See also 164 Mo. 23. Appellate courts will not inquire into the legality of votes. 77 Mo. 189; see 130 Mo. 621; 128 Mo. 255; 130 Mo. 530; 112 Mo. 213.

population exceeding twenty-five thousand inhabitants and not exceeding one hundred thousand, but not otherwise. (d)

SEC. 6. **Elections, *viva voce*, when.**—All elections, by persons in a representative capacity, shall be *viva voce*. (e)

SEC. 7. **Residence as voters not gained or lost, when.**—For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while employed in the service, either civil or military, of this state or of the United States, nor while engaged in the navigation of the waters of the state or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in a poor-house or other asylum at public expense, nor while confined in public prison. (f)

SEC. 8. **Who disqualified as voters.**—No person, while kept at any poor-house or other asylum, at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this state.

SEC. 9. **Contested elections, trials of.**—The trial and determination of contested elections of all public officers, whether state, judicial, municipal or local, except governor and lieutenant-governor, shall be by the courts of law, or by one or more of the judges thereof. The general assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law, assigning jurisdiction or regulating its exercise, shall apply to any contest arising out of any election held before said law shall take effect. (g)

SEC. 10. **Criminals may be disqualified.**—The general assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage.

SEC. 11. **Officers, soldiers and marines disqualified.**—No officer, soldier or marine in the regular army or navy of the United States shall be entitled to vote at any election in this state. (h)

SEC. 12. **Aliens not to be appointed or elected.**—No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment. (i)

## TOWNSHIP ORGANIZATION.

### ARTICLE IX.

SEC. 8. **Township organization—county justices.**—The general assembly may provide, by general law, for township organization under which any county may organize whenever a majority of the legal voters

(d) Registration of voters in certain cities, act valid. 85 Mo. 64, overruling 15 A. 441; see 131 Mo. 505; 126 Mo. 652; 123 Mo. 68. Prospecting operation. 98 Mo. 426. See 155 Mo. 486.

(e) 128 Mo. 256.

(f) 130 Mo. 621.

(g) 134 Mo. 10; 126 Mo. 652. School director. 112 Mo. 213; 88 Mo. 557; 81 Mo. 13; 25 A. 563.

(h) 140 Mo. 523.

(i) 137 Mo. 636; 41 Mo. 227.

of such county, voting upon that proposition, at any general election shall so determine; and whenever any county shall adopt township organization, so much of this constitution as provides for the management of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization may be dispensed with, and the business of said county and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: *Provided*, that the justices of the county court in such case shall not exceed three in number. (j)

**SEC. 9. Township organization discontinued, how.**—In any county which shall have adopted “township organization,” the question of continuing the same may be submitted to a vote of electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

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## MODE OF AMENDING THE CONSTITUTION.

### ARTICLE XV.

**SECTION I. Constitution, how amended.**—This constitution may be amended and revised only in pursuance of the provisions of this article. (k)

**SEC. 2. General assembly may propose amendments—submitted to vote.**—The general assembly may, at any time, propose such amendments to this constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by yeas and nays, and entered in full on the journals. The proposed amendments shall be published with the laws of that session, and also shall be published weekly in some newspaper, if such there be, within each county in the state, for four consecutive weeks next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the general assembly may provide. If a majority of the qualified voters of the state, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this constitution. (l)

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(j) 138 Mo. 187; 123 Mo. 72; 55 Mo. 295; 49 Mo. 468.

(k) As to the mode of amending constitution, see “Elections on Constitutional Amendments,” Chap. 102, Art. 3, in this pamphlet.

(l) Power to amend constitution discussed. 40 Mo. 192. Duty of supreme court as to amendments proposed by legislature. 4 Mo. 303; 132 Mo. 410.

# REVISED STATUTES, 1899,

## With All Amendatory Laws.

### GENERAL ELECTIONS REGULATED.

#### CHAPTER 102.

##### ARTICLE I.

SEC. 6981. **Election of state officers.**—On the first Tuesday after the first Monday in November in the year 1880, and every four years thereafter, there shall be an election held in each township in this state and in each ward of the city of St. Louis for the election of governor, lieutenant-governor, secretary of state, state auditor, state treasurer and attorney-general, who shall hold their offices for the term of four years after the second Monday in January next after their election, and until their successors are elected and qualified. (R. S. 1889, § 4657.)

SEC. 6982. **Election of congressmen, etc.**—On the first Tuesday after the first Monday in November, in the year 1880, and every two years thereafter, there shall be an election held in each township in this state, and in each ward of the city of St. Louis, for the election of a member of congress from each congressional district, of senators and representatives in those districts and judges of the county courts in those counties where the term of those elected has expired, and for sheriffs and coroners, and such other officers as may be required by law to be elected at such elections. (R. S. 1889, § 4658—a.)

SEC. 6983. **How to proceed in certain cases.**—If the court fail to designate the place of holding the election or to appoint judges, or the judges appointed fail to act, it shall be the duty of the sheriff to fix the place, and the voters, when assembled, may appoint the judges. (R. S. 1889, § 4659.)

SEC. 6984. **County court may establish and alter election precincts.**—The county courts of the several counties in this state shall have power to divide any township in their respective counties into two or more election districts, or to establish two or more election precincts in any township, and to alter such election districts and precincts, from time to time, as the convenience of the inhabitants may require. (R. S. 1889, § 4660.)

**SEC. 6985. Order defining election districts.**—Every order made under the provisions of the preceding section shall describe the several districts erected, and the boundary of each, or the precincts established, and the name of each; and the clerk shall, within twenty days after the making of the order, make out one copy thereof for each district erected or altered or precinct established thereby, and deliver the same to the sheriff of the county, who shall cause one such copy to be put up at a public place in each district, or at each precinct, within six days after the same shall be delivered to him. (R. S. 1889, § 4661.)

**SEC. 6986. How elections shall be conducted.**—The place of holding the elections shall be designated, and the judges and clerks of election appointed in such districts or for such election precincts, and the elections therein shall be conducted, in all respects, in the same manner as is hereinafter provided by law for the townships. (R. S. 1889, § 4662.)

**SEC. 6987. Poll-books, how furnished—returns, how made.**—Poll-books for each district or election precinct shall be made and furnished to the judges of election therein, in the same manner as hereafter provided in respect to poll-books for each township, and returns shall be made to the office of the clerk of the county court, as in the case of a township forming one election district. (R. S. 1889, § 4663.)

**SEC. 6988. Election to fill vacancy.**—When the governor issues a writ of election to fill any vacancy, he shall mention in said writ how many days, to be not less than ten, the sheriff shall give notice thereof. (R. S. 1889, § 4664.)

**SEC. 6989. Oath of judges of election.**—The judges, before entering upon their duties, shall take the following oath:

I do solemnly swear that I will impartially discharge the duties of the present election, according to law, to the best of my ability, and that I will not disclose how any voter shall have voted, unless I am required to do so as a witness in the proper judicial proceeding, so help me God.

In cities where registration exists, they shall also take the additional oath that they will not allow any person to vote whose name is not duly registered according to law, which oath shall be administered by one of their own body, who in turn may be sworn by one of the other judges. (R. S. 1889, § 4665—b.)

**SEC. 6990. Clerks of election.**—The judges shall appoint four clerks, who, before entering on the duties of their appointment, shall take an oath or affirmation, to be administered by one of the persons appointed or elected judges of election, that they will faithfully record the names of all the voters; said clerks shall also take the oath above prescribed for the judges, to be administered at the same time and in the manner heretofore directed. (R. S. 1889, § 4666.)

**SEC. 6991. Polls, when opened and closed.**—The judges of each election hereafter to be held, general or municipal, shall open the polls at seven o'clock in the morning and continue them open until six o'clock in the evening, unless the sun shall set after six, when the polls shall be kept open until sunset, except in cities in the state of twenty-five thousand inhabitants or upward, when the polls shall be open at six o'clock in the morning and be kept open until seven o'clock in the evening. (R. S. 1889, § 4667—c.)

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(b) 67 Mo. 331; 54 Mo. 502; 46 Mo. 450; 44 Mo. 346; 43 Mo. 290; 41 Mo. 63.

(c) 130 Mo. 621.

**SEC. 6992. Voting to be by ballot.**—All elections shall be by ballot, and continue for one day only. (R. S. 1889, § 4668.)

**SEC. 6993. Ballot-boxes to be provided—duty of constables.**—The sheriffs of their respective counties shall provide, at the expense of their counties, two ballot-boxes for each precinct in each municipal township in said counties, and deposit the same with the constable of the proper township, whose duty it shall be to preserve the same, and have such boxes present at the proper time and place, at all elections in his township, for the use of the judges of the elections. Said constables shall deliver said boxes to their successors in office within ten days after their successors shall have been qualified, and in default thereof shall forfeit ten dollars, to be recovered by civil action before any justice of the peace at the suit of the constable of the township in which such delinquent resides, and shall be paid into the treasury of the county for the use of its common schools. (R. S. 1889, § 4669.)

**SEC. 6994. Qualifications of voters.**—Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people: First, he shall have resided in the state one year immediately preceding the election at which he offers to vote; second, he shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election; and each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides: *Provided, however,* that no officer, soldier or marine in the regular army or navy of the United States, shall be entitled to vote at any election in this state; and *provided further*, that no person while kept at any poor-house or other asylum at public expense, except the soldiers' home at St. James and the confederate home at Higginsville, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this state; nor shall any person convicted of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to vote at any election unless he shall have been granted a full pardon; and after a second conviction of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, he shall be forever excluded from voting. (R. S. 1889, § 4670, amended, Laws 1897, p. 109—d.)

**SEC. 6995. Duty of judges.**—The judge to whom any ticket shall be delivered shall, upon receipt thereof, pronounce in an audible voice the name of the voter; and if the judges shall be satisfied that the person offering to vote is a legal voter, his ticket shall be numbered and placed in the ballot-box without inspecting the names written or printed thereon, or permitting any other person or persons to do so; and the clerks of election shall enter the names of voters and the numbers of the ballots, in the order in which they were received, in the poll-books, in conformity with the form printed in section 7003, and, in addition, whenever a registration is required by law, place on such ballot the number corresponding with the number opposite the name of the person voting, found on the registration list; and no ballot not so numbered shall be counted; and the ballots, after being counted, shall be sealed up in a package and de-

livered to the clerk of the county court or corresponding officer in any city not within a county, who shall deposit them in his office, where they shall be safely preserved for twelve months; and the said officers shall not allow the same to be inspected, unless in case of contested elections, or the same become necessary to be used in evidence, and then only on the order of the proper court, or judge thereof in vacation, under such restrictions for their safe keeping and return as the court or judge making the same may deem necessary; and at the end of twelve months, said officer shall publicly destroy the same by burning, without inspection; and no judge or clerk of an election shall disclose the names of the candidates voted for by any voter, and any judge or clerk violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of one hundred dollars. (R. S. 1889, § 4672—e.)

**SEC. 6996. Four judges to be appointed—ballots counted, how.—**

In all counties in this state, four judges of election shall be appointed by the county court for each election precinct in each of said counties; and there shall also be provided two ballot-boxes for said judges of election, one of which shall be numbered No. 1, and the other numbered No. 2; and it shall be the duty of said judges to select from their number two judges who shall be designated and known as receiving judges, and two who shall be designated and known as counting judges. After the poll-books are signed in the manner hereinafter provided in the form of the poll-books, the ballot-box No. 1 shall be opened and examined by all the judges and clerks, and everything removed therefrom; and one of the receiving judges, first selected, shall receive the ballot of each elector, and, after pronouncing the name of such elector in an audible voice, shall pass the ballot to the other receiving judge, who shall number the same and deposit it in said ballot-box No. 1, which shall be kept securely closed while the balloting continues for one hour from the time of opening the polls. At the expiration of said hour, the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to said receiving judges ballot-box No. 2, which ballot-box No. 2 shall be opened and examined in the presence of all the judges and clerks, and after everything is removed therefrom, shall be securely closed, and, during the next hour, said receiving judges shall receive and deposit ballots therein, in the same manner as during the first hour ballots were received and deposited in ballot-box No. 1. After the delivery of ballot-box No. 1 to the counting judges, the same shall be immediately opened by them, and the tickets shall be taken out, one at a time, by one of the counting judges, who shall read distinctly, while the ticket remains in his hand, the name or names written or printed thereon, also the office that is intended to be filled by such person voted for, and deliver the same to the other counting judge, who shall string the same on a thread or string, as provided by law. The same method shall be observed with each ticket, and the counting shall continue thus until all the ballots in the box are counted, and then the counting judges shall securely close ballot-box No. 1, and deliver the same to the receiving judges, and receive from the receiving judges ballot-box No. 2; and so on in the same manner until the polls are closed and all the ballots are counted. No person or persons shall be admitted into the room or office where such ballots are being counted, except the judges and clerks of election: *Provided*, that any political party may select a representative man who

may be admitted as a witness of such counting. It shall be the duty of one of the judges to announce to the electors present the total number of votes polled at each change of the box; but the judges, clerks and witnesses shall make oath that they will make no statement nor give any information of any kind as to the number of votes polled for any office or person, nor the name of any person voted for, nor any other fact tending in any way to show the state of the polls at any time previous to the closing of the polls of said election on the day of the same. (R. S. 1889, § 4673—f.)

**SEC. 6997. Qualifications of judges.**—No person shall be qualified to act as a judge or clerk of any election unless he shall be legally entitled to vote at such election, and shall moreover be able to read and write. (R. S. 1889, § 4674.)

**SEC. 6998. Poll-books shall be signed and attested.**—At the close of the polls the poll-books shall be signed by the judges and attested by the clerks, and after the names therein contained shall be counted, as provided, the number shall be set down at the foot of the poll-books, in the manner provided in the form of the poll-books. (R. S. 1889, § 4675—g.)

**SEC. 6999. Clerks shall enter votes.**—The clerk shall enter in separate columns, under the names of the persons so voted for, as herein-after provided in the form of the poll-books, all the votes so read by the judges aforesaid. (R. S. 1889, § 4676.)

**SEC. 7000. Fraudulent ballots.**—Where two or more ballots are found placed or folded together, such ballot shall be considered as fraudulent, and shall be rejected; and if two or more ballots appear corresponding with the same number, all such ballots shall be rejected as fraudulent; and in all cases where there are two ballots corresponding to the same number, it shall be the duty of the judges of election to have the party called, and the question determined upon his evidence under oath. (R. S. 1889, § 4677.)

**SEC. 7001. Ballot fraudulent in part.**—If a ballot should be found to contain a greater number of names for any office than the number of persons required to fill such office, it shall be considered as fraudulent as to the whole of the names designated to fill such office, but no further; but no ballot shall be considered fraudulent for containing a less number of names than are authorized to be inserted. (R. S. 1889, § 4678.)

**SEC. 7002. Result to be publicly proclaimed.**—After the examination of the ballots shall be completed, the whole number of votes for each person shall be enumerated under the inspection of the judges, and set down as directed in the form of the poll-books, and be publicly proclaimed to the persons present. (R. S. 1889, § 4679.)

**SEC. 7003. Form of poll-book—ballot-boxes not to be opened, when.**—The following shall be the form of the poll-book to be kept by the judges and clerks of election:

Poll-book of the election held at —, in the township of —, in the county of —, on the — day of —, in the year of our Lord nineteen hundred and —. A B, C D, E F, and X P, judges, and J K, G H, B B and T W, clerks of said election, were severally sworn, as the law directs, previous to their entering on the duties of their respective offices.

(f) 111 Mo. 45. Two additional judges required. Section 7101.

(g) 76 Mo. 136.

## NUMBER AND NAMES OF VOTERS.

No. 1.....	A B
No. 2.....	C D
No. 3.....	E F

It is hereby certified that the number of voters at this election amounts to ——————

A B, }  
C D, }  
E F, }  
X P, } Judges of election.

Attest:

J K, }  
G H, }  
B B, } Clerks.  
T W, }

## NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE, CONTAINING THE NUMBER OF VOTES GIVEN EACH CANDIDATE.

Governor.	Representatives in congress.	Representatives in state legislature.		Etc.
		Senate.	House of representatives.	

We hereby certify that A B had —— votes for governor, and C D had —— votes for governor; that E F had —— votes for representative in congress, etc.

A B, }  
C D, }  
E F, }  
X P, } Judges.

J K, }  
G H, }  
B B, } Clerks.  
T W, }

Nothing herein shall be so construed as to permit the judges or clerks of election to open or cause to be opened, by themselves or any other person, the boxes containing the ballots, after the commencement of voting in the morning until the close of the polls in the evening, except as provided by section 6996. Any judge or clerk violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than one hundred dollars nor more than three hundred dollars. (R. S. 1889, § 468o.)

**SEC. 7004. Secretary of State to furnish county clerks copy of election law.**—The secretary of state shall furnish to the several county clerks, and to the register of the city of St. Louis, at least ten days before the next general election, and as often thereafter as may be necessary, a sufficient number of printed pamphlets containing the provisions of the constitution and laws of the state, prescribing the qualifications and duties of voters and election officers, and imposing penalties upon election officers and voters, and persons attempting or offering to vote in neglect or violation of law. The county clerks and said register shall carefully preserve said pamphlets in their respective offices, and at least one copy thereof shall accompany each set of poll-books for use at any election, and the same shall be returned with the returns of such election; and it shall be the duty of the county clerk and such register to see that it is so returned. (R. S. 1889, § 468i.)

**SEC. 7005. Elections in St. Louis conducted, how.**—All elections

in the city of St. Louis shall be conducted in all respects as provided by the laws now in force regulating elections in said city. (R. S. 1889, § 4682.)

**SEC. 7006. Poll-books to be transmitted to county clerk.**—At the close of each election, the judges shall transmit one of the poll-books, by one of their clerks, to the clerk of the county court in the county in which the election was held, within two days thereafter; if the poll-books are not returned in the time provided, the clerk shall have the power to either send the sheriff or a messenger for said books; the other poll-book shall be retained in the possession of the judges of the election, open to the inspection of all persons. (R. S. 1889, § 4683.)

**SEC. 7007. County clerk and two justices to cast up votes.**—The clerk of each county court shall, within five days after the close of each election, take to his assistance two justices of the peace of his county, or two judges of the county court, and examine and cast up the votes given to each candidate, and give to those having the highest number of votes certificates of election. (R. S. 1889, § 4684—h.)

**SEC. 7008. To be done publicly.**—The clerks, in comparing the returns from the several townships, shall do it publicly, in the court house of their counties, first giving notice of the same, by public proclamation at the court house door. (R. S. 1889, § 4685.)

**SEC. 7009. Certificate shall include statement of what.**—When any person shall have been elected a member of the house of representatives, the county clerk of the county which such person was elected to represent, if the person so elected shall produce to him the tax collector's receipt for the payment of a state and county tax within one year next preceding his election, shall include in the certificate of election, which he is required by law to give such person so elected, a statement that such person has paid such tax, as appears from the receipt of the tax collector of such county; and if such tax receipt be not so produced, the clerk in said certificate shall so state. (R. S. 1889, § 4686.)

**SEC. 7010. Duty of clerks in certifying election of state senators.** In all senatorial districts composed of two or more counties, the clerks of all the counties shall transmit to the clerk of the county first named in said district, within twelve days after such election, a certificate under their hands of the number of votes given for each candidate in each respective county; and the clerk of the county in which any candidate resides, if such candidate shall produce to him the tax collector's receipt for the payment of a state and county tax within one year next preceding such election, shall certify to the clerk of the county first named that such candidate has paid such tax as appears from the receipt of the tax collector of such county, and if such receipt be not produced, such fact shall be certified; and the clerk of the county to which such returns shall be made, after examining the same, shall certify the result to the secretary of state, and give to the person having the highest number of votes a certificate of his election under the seal of his office; and if it appear from the certificate of the clerk of the county in which such person resides that such person so elected has paid a state and county tax within one year next preceding his election, the clerk of the county to which such return is made shall further certify that such person so elected has paid such tax as appears from the certificate of the clerk of \_\_\_\_\_ county, Missouri, and give such certificate to the person so elected, and

(h) 134 Mo. 347; 65 Mo. 480; 53 Mo. 97; 45 Mo. 340; 44 Mo. 223; 38 Mo. 541; 10 Mo. 629; 51 A. 299; 48 A. 111; 46 A. 421; 42 A. 115; 41 A. 99; 39 A. 393; 3 A. 526.

if it do not appear that such tax has been paid, that fact shall be stated. (R. S. 1889, § 4687.)

**SEC. 7011. Clerks to transmit abstracts of votes to secretary of state.**—The clerks of the several courts to whom a transcript of the votes is directed shall, within two days after the time limited for the examination of the polls, deliver to the nearest postoffice on the most direct route to the seat of government, addressed to the secretary of state, a fair abstract of the votes given in their respective counties, by precincts, for members of congress, governor, lieutenant-governor, state senators and representatives, judges of the supreme court, judges of the St. Louis and Kansas City courts of appeals, judges of the circuit courts, secretary of state, state auditor, state treasurer, attorney-general, railroad and warehouse commissioners and superintendent of public schools. Such abstracts shall be enclosed in strong envelopes, closely sealed, which shall in no case be opened until the day fixed for the counting of such votes, as hereinafter provided, and the said envelopes shall be indorsed by the clerk:

“Returns of an election held in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, for the offices of \_\_\_\_\_,” etc. (R. S. 1889, § 4688, amended, Laws 1893, p. 167.)

**SEC. 7012. Special messenger may be sent.**—If there shall be a failure to receive any of the returns at the seat of government for one mail after the same is due, the secretary of state, unless the circumstances shall clearly justify a longer delay, in no case to exceed forty days from the time of such election, shall dispatch a messenger to the county not returned, with directions to bring up the abstract. (R. S. 1889, § 4689.)

**SEC. 7013. Penalty, if clerk fail to transmit, etc.**—If such failure shall happen by neglect of the clerk, he shall forfeit to the state one hundred dollars, together with the expenses of such messenger, to be recovered by civil action before any court having jurisdiction thereof. And it shall be the duty of the secretary of state to direct the prosecuting attorney of the proper county forthwith to institute such action against such delinquent clerk. (R. S. 1889, § 4690.)

**SEC. 7014. Duty of secretary of state when returns are in.**—Within fifty days after such general election, and as much sooner as all the returns shall have been made, the secretary of state, in the presence of the governor, shall proceed to open the returns and cast up the votes given for all candidates for any office, except governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney-general, railroad and warehouse commissioners and superintendent of public schools, and shall give to the persons having the highest number of votes for members of congress, from each district, certificates of their election, under his hand, with the seal of the state affixed thereto, and shall certify to the governor the names of the candidates having received the highest number of votes for the offices of judges of the supreme court, circuit courts and St. Louis and Kansas City courts of appeals. (R. S. 1889, § 4691—i.)

**SEC. 7015. In case of tie, a special election.**—If any two or more persons have an equal number of votes for member of congress, state senator, representative, judge of the supreme court, judge of the St. Louis and Kansas City courts of appeals, or any circuit court, court of common pleas, criminal or probate court, circuit attorney or assistant

circuit attorney, and a higher number than any other person, the governor, in such case, shall issue his proclamation, giving notice of such fact, and that an election will be held at the places of holding elections for such officers, in which shall be mentioned the day of election, which election shall be conducted and returned agreeably to the provisions of law. (R. S. 1889, § 4692—j.)

**SEC. 7016. Governor may direct, what.**—The governor may, in special elections, if he think proper, direct in his proclamation that the returns be forwarded by messenger. (R. S. 1889, § 4693.)

**SEC. 7017. Duty of secretary of state to lay before each house list of members elected.** Within two days after the meeting of each general assembly, the secretary of state shall lay before each house a list of the members elected thereto, agreeably to the returns in his office, which returns and list shall show who did and who did not produce tax receipts, as provided in sections 7009 and 7010. (R. S. 1889, § 4694.)

**SEC. 7018. Returns of election of state officers to be delivered to the speaker of the house.**—After each election of governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney-general, railroad and warehouse commissioners and superintendent of public schools, the secretary of state shall, immediately after the organization of the house of representatives, deliver to the speaker thereof the returns of the votes given for the last-named officers, who shall thereupon immediately notify the senate of the same, and that the house is ready to receive the senate in joint session to open and publish the same, whereupon the senate shall immediately repair to the hall of the house of representatives; and the speaker of the house shall, before proceeding to other business, in the presence of a majority of the members elected to each house of the general assembly so assembled in joint session, open and publish the same. In case of an alleged mistake in any return, or when more than one return has been made for any of said officers from any county or city or precinct, the two houses shall, in joint session, correct such mistake, if any, and determine which is the true and correct return by a vote of a majority of the members present, and the same shall be counted by the speaker, under the direction and control of the two houses thus assembled. The person having the highest number of votes for any of said offices shall be declared by the speaker of the house to have been duly elected. (R. S. 1889, § 4695.)

**SEC. 7019. Tie, how determined.**—If two or more persons, candidates for any of the offices named in the last preceding section, shall have an equal and the highest number of votes cast for the same, the general assembly shall, by joint vote, before proceeding to other business, choose one of such persons for such office; and the speaker of the house shall deposit in the office of the secretary of state a certificate declaring what person has been elected to such office. (R. S. 1889, § 4696.)

**SEC. 7020. Compensation of clerks and messengers.**—There shall be allowed to the clerks for sending or conveying the returns of any senatorial election into any other county in the district, as occasion may require, and also to any messenger who may be employed to convey the returns of any election required by law to be made to the secretary of state, at the rate of five cents per mile, going and returning. (R. S. 1889, § 4697.)

**SEC. 7021. Penalty on judge or clerk for failure to do duty.**—If any judge or clerk, after he shall have undertaken to perform the duties

herein pointed out, fail so to do, he shall be fined two hundred dollars, to be recovered by civil action, in the name of the county or by indictment, and in either case the fine shall go into the county treasury. (R. S. 1889, § 4698.)

**SEC. 7022. Penalty on messenger for failing to carry returns.**—If any person employed to carry the returns of any election fail to do so in due time, he shall be fined two hundred dollars, to be recovered and applied as in the case of a judge or clerk. (R. S. 1889, § 4699.)

**SEC. 7023. Two preceding sections construed.**—Nothing contained in the two preceding sections shall be construed to impose the said penalties on any person prevented by sickness or unavoidable accident from performing the duties assigned him by law. (R. S. 1889, § 4700.)

**SEC. 7024. Freedom from arrest on day of election.**—All judges, clerks and voters shall be free from arrest, except for felony or breach of the peace, in going to, attending on and returning from election. (R. S. 1889, § 4701.)

**SEC. 7025. Constable shall attend elections in his township.**—The constable shall attend the elections in his township, and perform such duties as are enjoined on him by law, under the direction of the judges. (R. S. 1889, § 4702.)

**SEC. 7026. Judges may punish for contempt.**—The judges of the election shall preserve good order and punish any disorderly person for contempt by fine not exceeding twenty dollars, at their discretion, and commit the offender to the jail of the county until the fine imposed be paid. (R. S. 1889, § 4703.)

**SEC. 7027. Proceedings in case of a tie in certain offices.**—If there shall be a tie of the votes given for any two of the candidates, except in cases otherwise provided by law, the clerk or justices casting up the number of votes, or a majority of them, shall issue their order to the sheriff of the county where the same may occur, directing him or them to issue his proclamation for holding an election agreeably to the provisions of this chapter; and in all cases of such special election, the clerk and justices, or a majority of them, when they issue the order to the sheriff, shall, in such order, state the day on which such election shall be held, giving reasonable time for the same to be promulgated. (R. S. 1889, § 4704.)

**SEC. 7028. Vacancies, how filled.**—Whenever any vacancy, caused in any manner or by any means whatsoever, shall occur or exist in any state or county office originally filled by election by the people, other than the office of lieutenant-governor, state senator, representative, sheriff or coroner, such vacancy shall be filled by appointment by the governor; and the person so appointed shall, after having duly qualified and entered upon the discharge of his duties under such appointment, continue in such office until the first Monday in January next following the first ensuing general election—at which said general election a person shall be elected to fill the unexpired portion of such term, or for the ensuing regular term, as the case may be, and shall enter upon the discharge of the duties of such office the first Monday in January next following said election: *Provided, however,* that when the term to be filled begins or shall begin on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold such office until such other date. (R. S. 1889, § 4705—k.)

**SEC. 7029. Jurisdiction of contests—notice of contest, how served.**—The several circuit courts shall have jurisdiction in cases of contested elections for county and municipal offices, and in all cities now having or hereafter attaining three hundred thousand inhabitants, the said circuit courts shall have jurisdiction in cases of contested elections for justices of the peace, and in cases of contested elections for seats as directors in the boards having charge of the public schools and public school property, and the county courts in contests of township officers; but no election of any such school director, of any county, municipal or township officers, shall be contested unless notice of such contest be given to the opposite party within twenty days after the votes shall have been officially counted; the notice shall specify the grounds upon which the contestant intends to rely, and if any objection be made to the qualifications of any voters, the names of such voters and the objections shall be stated therein, and the notice shall be served fifteen days before the term of court at which the election shall be contested, by delivering a copy thereof to the contestee, or by leaving such copy at his usual place of abode, with some member of his family over the age of fifteen years; or, if neither such contestee nor his family can be found in the county, and service cannot therefore be had as aforesaid, it shall be a sufficient service of such notice for the contestant to post up a copy thereof in the office of the clerk of the court wherein the contest is to be heard. (R. S. 1889, § 4706, amended, Laws 1891, p. 106, amended, Laws 1893, p. 156, amended, Laws 1895, p. 171—l.)

**SEC. 7030. In contested case the person holding certificate may qualify and take office.**—In every case of a pending contested election, the person holding the certificate of election may give bond, qualify and take the office at the time specified by law, and exercise the duties thereof until the contest shall be decided; and if the contest be decided against him, the court or other tribunal deciding the same shall make an order for him to give up the office to the successful party in the contest, and deliver to him all books, records, papers, property and effects pertaining to the office, and may enforce such order by attachment or other proper legal process. (R. S. 1889, § 4707—m.)

**SEC. 7031. Contestee to give notice, when.**—If the party having the certificate shall desire to contest any votes given to the contesting party, he shall give to him a notice, in writing, within twenty days after the notice of contest has been served upon him, specifying the names of such voters, with the objections to them. (R. S. 1889, § 4708, amended, Laws 1895, p. 172—n.)

**SEC. 7032. Parties allowed process and may take depositions.**—The parties shall be allowed process for witnesses, and either party may take depositions, as in civil cases, to be read as evidence on the trial, as is authorized in civil cases. All such depositions shall be filed before the trial is commenced, and may be read in evidence, although the witnesses reside within forty miles. (R. S. 1889, § 4709.)

**SEC. 7033. Contest to be determined in a summary manner.**—Every court authorized to determine contested elections shall hear and determine the same in a summary manner, without any formal plead-

(l) 134 Mo. 347, 10; 116 Mo. 259; 104 Mo. 661; 97 Mo. 311; 87 Mo. 487; 85 Mo. 620; 45 Mo. 340; 43 Mo. 290; 28 Mo. 259. See also 154 Mo. 608; 164 Mo. 23, 48; 166 Mo. 279.

(m) 130 Mo. 593; 128 Mo. 497; 104 Mo. 668.

(n) 77 Mo. 189; 68 Mo. 162; 62 Mo. 422; 53 Mo. 97.

ing; and the contest shall be determined at the first term of such court that shall be held fifteen days after the official counting of the votes, and service of notice of contest, unless the same shall be continued by consent, or for good cause shown. (R. S. 1889, § 4710—o.)

**SEC. 7034. Costs, how adjudged.**—In all contested elections, costs may be adjudged against the unsuccessful party, and the payment thereof enforced as in civil cases. (R. S. 1889, § 4711—p.)

**SEC. 7035. Court may award a new election, when—notice of.**—In every case of contested election, if both parties consent thereto, the court authorized to try the same may award a new election, to be held at some specified day thereafter; and at least five days' notice of every such special election shall be given in the township, county, circuit or district, in such manner as the court may direct. (R. S. 1889, § 4712.)

**SEC. 7036. Persons contesting election of member of legislature shall give notice.**—If any candidate of the proper county or district contest any election of any person proclaimed duly elected to the senate or house of representatives, such person shall give notice thereof, in writing, to the person whose election he contests, or leave a written notice thereof at the house where such person last resided, within forty days after the returns of the election to the clerk's office. The notice shall specify the names of the voters whose votes are contested, the ground upon which such votes are illegal, and a full statement of any other ground upon which such election is contested, and the name of the justice of the peace, who will attend to the taking of the depositions, and when and where he will attend to take the same. (R. S. 1889, § 4713.)

**SEC. 7037. Depositions to be taken, by whom.**—It shall be the duty of the person whose election is contested, to select another justice of the peace to attend at the taking of the depositions at the time and place specified in the said notice; and when the two justices assemble at the time and place specified for taking depositions, they shall, unless it is otherwise agreed upon by the parties, select a third justice of the peace to assist in taking said depositions. (R. S. 1889, § 4714.)

**SEC. 7038. Contestee failing to select a justice, contestor may select a second—their power.**—If the party whose seat is contested fail to select a justice of the peace, as provided for in the preceding section, the person contesting the same shall proceed to select another justice of the peace without delay, and the two justices of the peace so selected by the contestor shall, in such event, have full power and authority to take the depositions of all witnesses who may be brought before them to be examined. (R. S. 1889, § 4715.)

**SEC. 7039. Contestee shall give notice to adverse party, when.**—The person whose seat is contested, if he intend to contest the legality of any votes given to the candidate who contests the same, shall within twenty days after he is notified that his election will be contested, give to the adverse party a similar notice to that specified in section 7036; and the candidate to whom the notice is given shall proceed to select a justice of the peace, in the same manner as is provided for in section 7037; and on his failing to do so, the party given the notice shall, without delay, select another justice; and the two justices so selected by the party proclaimed duly elected shall proceed to take the depositions of such witnesses as may be brought before them to be examined: *Pro-*

(o) 142 Mo. 255; 66 Mo. 40; 53 Mo. 97; 57 A. 598.

(p) 54 Mo. 531.

*vided, however, that either party may, without notice, take rebutting testimony before the justices at the time and place specified for the taking of depositions.* (R. S. 1889, § 4716.)

**SEC. 7040. Justice failing to attend, another shall be selected.**—If, from sickness or other cause, the justice of the peace so elected by either party should fail to attend at the time and place specified for taking depositions, said party shall, without delay, select some other justice of the peace to supply such vacancy. (R. S. 1889, § 4717.)

**SEC. 7041. Taking of depositions shall be commenced, when.**—The taking of such depositions shall be commenced within forty days from the day of election, and the said justices, or any of them, shall issue subpoenas to all persons required by either party, commanding such persons to appear and give testimony at the time and place therein mentioned. (R. S. 1889, § 4718.)

**SEC. 7042. Deposition to be certified, to whom.**—The justices shall hear and certify all testimony relative to such election to the president of the senate, if the contest is for a seat in the senate, and to the speaker of the house of representatives, if for a seat in such house. (R. S. 1889, § 4719.)

**SEC. 7043. Irrelevant testimony to be rejected.**—No testimony shall be received by the justices, senate or house of representatives, on the part of the contestor or contestee, which does not relate to the points specified in the notice; a copy of which notice, attested by the person who delivered or served the same, shall be delivered to said justices, and by them transmitted with the depositions; and no testimony except that contained in the depositions taken before the justices shall be received as evidence, either by the senate or house of representatives. (R. S. 1889, § 4720.)

**SEC. 7044. County clerk to open, count and compare ballots, etc., when.**—Either house of the general assembly, or both houses in joint session, or any court before which any contested election may be pending, or the clerk of any such court in vacation, may issue a writ to the clerk of the county court of the county in which the contested election was held, commanding him to open, count, compare with the list of voters and examine the ballots in his office, which were cast at the election in contest, and to certify the result of such count, comparison and examination, so far as the same relates to the office in contest, to the body or court from which the writ is issued. (R. S. 1889, § 4721—q.)

**SEC. 7045. Writ to be served—clerk to give notice, etc.**—Such writ shall be served, without delay, on such county clerk by the sheriff of his county, and on receipt of such writ such clerk shall at once fix a day, not more than thirty days after the date of the receipt of the writ, on which he will proceed to open such ballots, and shall cause notice, in writing, of the day so fixed to be served on the contestor and contestee or their attorneys, at least five days before such day. Such notice may be served in the same manner as a writ of summons in a civil action; but in case either of the parties and his attorneys are not found in the county of such clerk, such notice may be served by posting the same on the door of the county clerk's office. (R. S. 1889, § 4722—r.)

**SEC. 7046. Clerk to open ballots—who may be present.**—On the

(q) 134 Mo. 347; 130 Mo. 530, 621; 128 Mo. 256; 126 Mo. 413; 116 Mo. 259; 111 Mo. 45; 97 Mo. 311. See also 159 Mo. 51, 76; 163 Mo. 679; 164 Mo. 23; 166 Mo. 271.

(r) See note "q."

day so fixed the clerk shall proceed, in his office, to open such ballots in the presence of the contestor and contestee and their attorneys, or such of them as demand to be present, and after swearing them not to disclose any fact discovered from such ballots, except such as may be contained in the clerk's certificate. While such ballots are open and being examined, the clerk shall exclude all other persons from his office. (R. S. 1889, § 4723—r. p. 19.)

**SEC. 7047. Ballots may be examined by whom—clerk's return to contain what.**—The clerk shall permit the contestor and contestee and their attorneys to fully examine the ballots, and shall make return to the writ, under his hand and official seal, of all the facts which either of said parties may desire, which may appear from the ballots, affecting or relating to the election for the office in contest. (R. S. 1889, § 4724—r. p. 19.)

**SEC. 7048. Ballots to be re-sealed.**—After the examination of the ballots is completed, the clerk shall again securely seal them up as they were, and preserve and destroy them as provided by law, in the same manner as if they had not been opened. (R. S. 1889, § 4725.)

**SEC. 7049. Clerk's certificate prima facie evidence.**—The certificate of the clerk, made under the provisions of this article, shall be *prima facie* evidence of the facts stated therein; but the persons present at the examination of the ballots may be heard as witnesses to contradict the certificates. (R. S. 1889, § 4726—s.)

**SEC. 7050. Contested election of governor and lieutenant-governor—how and where decided.**—All contested elections for governor or lieutenant-governor shall be decided by joint vote of both houses of the general assembly. The joint meeting of the two houses deciding on such elections shall be held in the hall of the house of representatives, and the president of the senate shall preside. (R. S. 1889, § 4727.)

**SEC. 7051. Contestor to present petition to general assembly.**—If any person contest the election of governor or lieutenant-governor, he shall present a petition to the general assembly, setting forth the points on which he will contest the same, and the facts which he will prove in support of these points, and shall pray for leave to produce his proof; and a vote shall be taken in the house, by yeas and nays, whether the prayer shall be granted. (R. S. 1889, § 4728.)

**SEC. 7052. Joint committee appointed, when—their power.**—If the majority of the whole number of votes of both houses shall be in the affirmative, they shall appoint a joint committee to take the testimony on the part of the petitioner, and also on the part of the person whose place is contested, with the power to send for witnesses, issue warrants, under the hand of the chairman, to any judge or justice of the peace, to take the depositions of witnesses at such time and place as the warrant shall direct, which warrant shall mention the points to which the testimony is to be taken. (R. S. 1889, § 4729.)

**SEC. 7053. Notice of time and place of taking depositions.**—Reasonable notice shall be given by the party in whose favor the deposition shall be allowed, to the opposite party, of the time and place of taking the same; and the judge or justice shall proceed in all things, in procuring the attendance of witnesses, and in taking and certifying the testimony, as is directed in the last preceding section. (R. S. 1889, § 4730.)

**SEC. 7054. Privilege of cross-examination.**—The parties shall also be allowed to attend the examination of witnesses before the committee, and to cross-examine them; but no testimony shall be taken except on points set forth in the petition. (R. S. 1889, § 4731.)

**SEC. 7055. Report of committee—day for decision to be fixed.**—The committee shall report the facts to the house, and a day shall be fixed by a joint resolution for the meeting of the two houses, to decide upon the same, in which decision the ayes and nays shall be taken by the secretary of the senate and the clerk of the house, respectively, and shall be entered upon the journals. (R. S. 1889, § 4732.)

**SEC. 7056. Supreme court shall hear and determine certain contests.**—All contested elections for judge of the supreme court, judge of the St. Louis and Kansas City courts of appeals, superintendent of public schools, secretary of state, state auditor, state treasurer and attorney-general, shall be heard and determined by the supreme court, or any three judges thereof in vacation: *Provided*, that no judge of said court, who is a contestant or contestee in such election, shall be permitted to hear and determine the same. (R. S. 1889, § 4733.)

**SEC. 7057. Petition, to be presented.**—If any person contest the election of any officer named in the preceding section, he shall present a petition to the supreme court at the first term held next after the election, or to any three judges thereof in vacation, within forty days after such election, setting forth the points on which he will contest the same and the facts which he will prove in support of such points, and shall pray for leave to produce his proof. The contestee shall be served with a copy of such petition, and a notice of the time and place of the presentation of the same, ten days before the same shall be presented, and the contestee may, upon the presentation of such petition, file his answer thereto, specifying reasons why his election should not be contested. (R. S. 1889, § 4734—ss.)

**SEC. 7058. Commissioner to take testimony.**—Upon the presentation of such petition and answer, if one be made, the supreme court, or any three judges thereof, to whom the same may be presented in vacation, shall forthwith appoint a commissioner to take the testimony on the part of the petitioner, and also on the part of the person whose place is contested, at such times and places as such court or said three judges thereof in vacation shall by order direct, which order shall specify the points and facts in regard to which the testimony is to be taken, and further specify the time when the commissioner shall make his report to the court, or to said three judges thereof in vacation. (R. S. 1889, § 4735.)

**SEC. 7059. Commissioner's power.**—The commissioner, by virtue of his authority, shall have power to administer oaths and take depositions and compel the attendance of witnesses by summons and attachment, and to require them to testify. (R. S. 1889, § 4736.)

**SEC. 7060. Commissioner shall proceed, how—parties may cross-examine.**—The commissioner shall proceed in all things in procuring the attendance of witnesses, and in taking and certifying testimony, as directed in the preceding section. The contestor and contestee shall have the right to attend the examination of the witnesses before said commissioner, and cross-examine them; but no testimony shall be taken, except on the points and as to the facts specified in the order of the court, or of the said judges thereof in vacation. (R. S. 1889, § 4737.)

**SEC. 7061. Contest for office of circuit judge.**—All contested elections for judge of the circuit court shall be heard and determined before the circuit judge of an adjoining judicial circuit, whose place or residence is nearest to the residence of the contestee. (R. S. 1889, § 4738.)

**SEC. 7062. Contest for office of circuit judge—proceedings.**—If any person contests the election of judge of the circuit court, he shall, within forty days after the election, file, in the office of the clerk of the circuit court of the county in which the contestee resides, a petition, setting forth the points on which he will contest the same and the facts which he will prove in support of such points and shall pray for leave to produce his proofs. (New section—\*.)

**SEC. 7063. Summons to be issued—returnable, when.**—The clerk of the said circuit court shall issue summons upon said petition, immediately upon the filing thereof, which shall in all respects be as near as may be, the same as an ordinary summons, returnable to the next term of the circuit court of the said county: *Provided*, that such next term shall not be within thirty days, and if the next term of the said court is within thirty days of the filing of said petition, then it shall be returnable to the second term thereafter; the said summons shall be served by delivering a copy thereof with a copy of the petition to the contestee or by leaving the same with a member of his family over the age of fifteen years at his usual place of abode, or if the said contestee shall not be in the said county the said summons may be served by posting a copy thereof, together with a copy of the petition, in the office of the clerk of the said circuit court. (New section.)

**SEC. 7064. Contestee to answer, when—jurisdiction.**—Such contestee shall answer said petition within 30 days after the serving thereof, specifying reasons why his election should not be contested, and upon the filing of said answer, the said clerk shall immediately notify the judge of the circuit court, whose residence is nearest to the said court where the contest is filed of the filing of said petition and answer, and the said judge shall be possessed of said cause and have jurisdiction to try the same and may at once appoint a commissioner to take testimony in the same way and manner as provided for contest of state officers. Upon the hearing of said contest, either party may appeal from the judgment of the circuit court to the supreme court in the same way and manner as in ordinary civil cases. (New section.)

**SEC. 7065. Supreme court to advance appeal on docket.**—Upon any appeal being filed in the supreme court, it shall be the duty of the supreme court to advance for immediate hearing and determination, and during the pendency of such appeal the contestee shall continue to discharge his duties of office as though no contest was pending. Security for costs may be required the same as in civil cases. (New section.)

**SEC. 7066. Shall be governed as in contests before supreme court.**—The provisions of sections 7057, 7058, 7059 and 7060, concerning contests and proceedings therein in the supreme court and before the judges thereof, shall be applicable to and shall govern contests for the office of circuit judge, and proceedings therein in the circuit courts, and before the judges thereof. (R. S. 1889, § 4739.)

**SEC. 7067. Certain contests in St. Louis.**—All contested elections for judge of the criminal or probate court of St. Louis city shall be

heard and determined by the circuit court of that city. (R. S. 1889, § 4740.)

**SEC. 7068. Proceedings, how conducted.**—All proceedings for contesting elections, as provided for in the preceding section shall be conducted in all respects as provided for contesting elections of judges of circuit courts. (R. S. 1889, § 4741.)

**SEC. 7069. Circuit attorney or assistant circuit attorney, contests, where heard.**—If any election of any circuit attorney or assistant circuit attorney be contested, such contest shall be heard and determined by the circuit court of the county or city wherein either contestant or contestee resides. (R. S. 1889, § 4742.)

**SEC. 7070. Proceedings in such cases.**—All proceedings for contesting elections of circuit attorney, or assistant circuit attorney, shall be conducted in all respects as provided for contesting elections of judges of circuit courts. (R. S. 1889, § 4743.)

**SEC. 7071. Right of appeal.**—In all cases of contested elections the right of appeal shall exist, and appeals may be taken in the same time or manner and to the same courts as is or may be provided by law with respect to appeals in ordinary civil actions; and writs of error shall lie in such cases as in civil actions. In every such case of appeal a bond with sufficient sureties shall be given, conditioned for the payment of the costs accrued and to accrue in the cause; and a new bond shall be given when required by any court in which the cause may be pending. (R. S. 1889, § 4744—t.)

**SEC. 7072. Compensation of judges and clerks of election.**—All judges and clerks of election shall be allowed such compensation for their services in conducting elections and returning the poll-books and ballots to the county clerk's office, as the county courts of their respective counties may deem reasonable, not to exceed one dollar and fifty cents per day, to be paid out of the county treasury. (R. S. 1889, § 4745.)

**SEC. 7073. Fines, etc., how appropriated.**—All fines, penalties and forfeitures herein imposed, and which are not hereinbefore otherwise appropriated, are appropriated to the school fund of the county. (R. S. 1889, § 4746.)

**SEC. 7074. Provisions of this chapter to apply to St. Louis City, except.**—Except as otherwise provided by law, the provisions of this chapter shall be applicable to the city of St. Louis the same as to counties, and the duties imposed on officers in counties shall likewise be imposed on the corresponding officers of said city. (R. S. 1889, § 4747—u.)

**SEC. 7075. Concealing, destroying, etc., tickets, unlawful.**—It shall be unlawful for any person to steal or willfully conceal, deface, mutilate or destroy any tickets that may be furnished by any organization or individual at any voting place in this state on election day, whether said election be general, special or primary: *Provided*, that nothing in this section shall be so construed as in any manner to interfere with the right of the voter to erase or cause to be erased from his ticket the name of any candidate, and substituting on the margin thereof the name of the person for whom he intends to cast his vote. (R. S. 1889, § 4748.)

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(t) 128 Mo. 497; 45 Mo. 232.

(u) 87 Mo. 487.

**SEC. 7076. Penalty.**—Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than twenty-five nor more than one hundred dollars. (R. S. 1889, § 4749.)

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## ARTICLE II.

### BALLOTS, VOTING, NOMINATIONS, ETC.

**SEC. 7077. Ballots, printing—delivery—payment.**—All ballots cast in elections for public officers within this state shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and of the cards of instruction for the electors in each county, and the delivery of the same to the election officers, as provided in section 7099, shall be a county charge, except where the officers to be voted for are exclusively city officers, in which case such printing and delivery shall be a city charge, the payment of which shall be provided for in the same manner as the payment of other county or city expenses. (R. S. 1889, § 4756.)

**SEC. 7078. Nomination of candidates.**—Any convention of delegates or primary election as hereinafter defined, held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public offices to be filled by election within the state. Such nomination shall be made by filing a certificate of nomination, executed with the formalities prescribed for the execution of an instrument affecting real estate. (R. S. 1889, § 4757—v.)

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[Sec. 7162 is inserted here to give it logical sequence. It is transposed from article on "Primaries."]

**SEC. 7162. Judges of supreme or appellate courts, how nominated.**—Hereafter any judicial convention held for the purpose of nominating any judge or judges of the supreme court or of either of the courts of appeals, in this state, shall not be held at the same time and place at which any other convention is held for the nomination of other state officers in this state; and any such nomination of any such judicial officer or officers, made contrary to the provisions of this section, shall be deemed and taken to be null and void in law, and the secretary of state shall refuse to file any certificate of nomination signed and executed by the presiding officer and the secretary of such judicial convention. (New section.)

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**SEC. 7079. Certificates of nomination.**—The certificate of nomination, which may consist of one or more writings, shall contain the name of the person nominated, his residence, occupation, and the office for which he is nominated, and also the name and residence of each signer. The certificate may also designate by a name the party or principle which such nominee shall represent. (R. S. 1889, § 4758.)

**SEC. 7080. Certificates to be filed, where.**—Certificates of nomination shall be filed with the secretary of state for nomination of candidates for offices to be filled by the electors of the entire state,

or any district or division of a greater extent than one county. For all other nominations to public offices, certificates of nomination shall be filed with the clerks of the county courts of the respective counties wherein the officers are to be filled by the electors. (R. S. 1889, § 4759.)

**SEC. 7081. Convention of delegates defined.**—A convention of delegates, within the meaning of this article, is a convention of delegates of any political party which at the last general election before such convention polled as a party at least three per cent. of the entire vote cast in the state, the county or other division or district for which the nomination is made. (R. S. 1889, § 4760.)

**SEC. 7082. Primary election defined.**—A primary election within the meaning of this article is an election held within this state, county, district or subdivision thereof, as the case may be, by the members of any political party, or by the voters of some political faith, for the purpose of nominating candidates for office: *Provided*, that the said party shall have cast at least three per cent. of the entire vote cast within the state, county, district or subdivisions thereof. (R. S. 1889, § 4761.)

**SEC. 7083. Certificates to be signed.**—The certificates of nomination of a candidate for office, selected by any convention of delegates as herein defined, shall be signed and executed by the presiding officer and secretary of such convention. The certificate of nomination of a candidate for office, selected by any primary election as herein defined, shall be signed and executed by the presiding officer and secretary of the political committee under whose direction it is held: *Provided*, that in case of the death or inability of the presiding officer or secretary of said political convention or political committee to perform the duties herein required, the surviving qualified officer thereof shall sign and execute the certificate of nomination, which shall be accepted as if executed by both said officers. (R. S. 1889, § 4762, amended, Laws 1891, p. 133, amended, Laws 1893, p. 153.)

**SEC. 7084. Certificate to be signed by voters, when.**—The certificate of nomination of a candidate selected otherwise than by a convention of delegates shall be signed by electors resident within the district, or political division for which the candidate is presented, to a number equal to one per cent. of the entire vote cast at the last preceding election in the state, the county or other division or district for which the nomination is made: *Provided*, that the number of signatures so required shall not exceed one thousand nor less than fifty; and *provided further*, that said signer shall declare in said certificate they are *bona fide* supporters of the candidate sought to be nominated and have not aided and will not aid in the nomination of any other candidate for the same office. (R. S. 1889, § 4763, amended.)

**SEC. 7084a. No part of name of existing party to be used by new political organization.**—No political party hereafter organized nor any persons hereafter nominating any candidates for office by petition shall use any portion of the name of any political party now in existence, nor cause to be printed at the head of their ballots any name or names or device similar to that of any such existing parties. The secretary of state shall not certify nor shall the county clerk cause to be published or printed any such ballot. (Laws 1901, p. 144.)

**SEC. 7085. Certificates to be preserved.**—The secretary of state shall cause to be preserved in his office all certificates of nomination filed therein under the provisions of this article, and the clerk of each county court shall cause to be preserved in his office all certificates of

nomination filed therein under the provisions of this article. (R. S. 1889, § 4764.)

**SEC. 7086. Certificate to contain one name, etc.**—No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating more than one nominee for each office to be filled; and no person shall accept a nomination to nor be published as a candidate for more than one office. (R. S. 1889, § 4765.)

**SEC. 7087. Certificates to be filed, when.**—Certificates of nominations filed with the secretary of state shall be filed not more than sixty and not less than twenty days before the day fixed by law for the election of the persons in nomination. Certificates of nominations herein directed to be filed with the clerk of the county court of each county, shall be filed not more than sixty days and not less than fifteen days before election: *Provided*, that in case of any vacancy in said nomination by resignation, death or otherwise, the central committee, or a convention called for that purpose, of the party on whose ticket such vacancy may occur, may select and certify to the secretary of state, county clerk or board of election commissioners, the name or names of candidates to fill such vacancy: *Provided*, that the certificates of nomination to fill vacancy shall be filed with the secretary of state not later than fifteen days before the day fixed by law for the election of the persons in nomination, and with the board of election commissioners or county clerk not later than ten days before such election: *Provided, further*, that in case of a vacancy caused by death or physical casualty at a later date than those just herein provided, the chairman of the party committee of the county, district or state, as the case may be, is hereby empowered to fill the vacancy by the appointment of another person to be the candidate for that office, and he shall make an affidavit covering all the facts before the judge of some court of record, who shall, under his hand and seal of the court, grant a certificate covering the facts, which said certificate shall be filed with the secretary of state, county clerk or board of election commissioners. If with the secretary of state, he shall immediately notify the various county clerks and boards of election commissioners of the vacancy, and whenever the county clerks or board of election commissioners are duly notified of a vacancy as defined in this proviso, it shall be their duty forthwith to have printed small pasters, suitable for covering the name or names to be stricken out, said pasters containing in plain letters the name or names to be substituted; and the said county clerks or boards of election commissioners shall see to it that these pasters are properly applied to the tickets before they are placed in the hands of the voters, if necessary by having them conveyed to the judges of election, with instructions to paste them over the name or names to be stricken out before the tickets are delivered to the voter. Should the county clerks or boards of election commissioners receive the notification herein provided for in time to do so, they shall have the proper correction made on the ticket while it is still in the hands of the printer. Should the exigency of time be so great as to require it, notice of the vacancy and of the compliance with this provision by the chairman of the political party may be conveyed to the secretary of state, county clerk or board of election commissioners by telegraphic message, to be followed by the filing of the papers; said officers shall proceed immediately upon receipt of such telegram to take action as though the papers were already filed, and

county clerks and boards of election commissioners shall in a similar manner act upon a telegraphic notice from the secretary of state. Any false or corrupt use of the telegraph to mislead any officer in regard to a vacancy and substitution of a name upon a ticket to be voted for at the polls in this state shall be deemed a felony, to be punished by imprisonment in the penitentiary for a term not exceeding ten years. (R. S. 1889, § 4766, amended, Laws 1891, p. 133, amended, Laws 1893, p. 153.)

**SEC. 7088. Central committee—powers.**—That the central committee of a political party shall consist of the largest body elected for the purpose of representing and acting for the party in the interim between conventions of the party. That for the purpose of making nominations to fill vacancies on a ticket previously nominated a majority of all the members-elect of a central committee shall be necessary to take action. That a central committee shall not have the power to delegate its authority to make nominations to any person or number of persons, and that any act consequent upon any such delegation of authority shall be held to be null and void. That no central committee shall have the power to substitute, to fill any vacancy, the name of any person who is not known to be of the same political belief and party as the person for whom he is substituted. (New section—w.)

**SEC. 7089. Objections to certificates of nomination—proceedings.** All certificates of nomination which are in apparent conformity with the provisions of section 7088 and 7089, shall be deemed to be valid unless objection thereto shall be duly made, in writing, within three days after the filing of the same. In case such objection is made notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination. Objections to use of party name may also be made and passed upon in the same manner as objections to certificates. The secretary of state or the county clerk, as the case may be, with whom the original certificate was filed, shall in the first instance pass upon the validity of such objection and his decision shall be final, unless an order shall be made in the matter by the supreme court, or a circuit court, or by a judge of such court in vacation, before the date for the certification of the names of nominees by the secretary of state to the county clerk, or before the time at which the county clerk is required by law to publish the names of nominees as certified to him. Such order may be made summarily upon application of any party interested, and upon such notice as the court or judge may require. The decision of the secretary of state, county clerk, or the order of the court or judge thereof in vacation, shall be binding on all county and municipal officers with whom certificates of nomination are filed. In case of a division in any party and claims by two or more factions to the same party name or title, the secretary of state or county clerk shall give the preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction or factions shall present no other party name, the secretary of state or county clerk shall select a name or title and place the same on the ballot before the list of candidates of said faction. The action of the preceding regular convention of such party regularly called shall determine the action of the secretary of state, the county clerk or the court, in its decision. The secretary of state or county clerk may be

compelled, by peremptory order or *mandamus* proceedings, to perform his duty in this regard: *Provided*, that in all cities having a board of election commissioners, the said board shall perform all the duties herein required of county clerks and be governed in all respects by the provisions of section 7088 and 7089, the same as county clerks. (New section.)

**SEC. 7090. Secretary of state to certify names to county clerk, when.**—Not less than eighteen days before an election to fill any public office, the secretary of state shall certify to the clerk of the county court of each county within which any of the electors may by law vote for candidates for such office, the names and the description of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state. (R. S. 1889, § 4767.)

**SEC. 7091. Clerk to publish names.**—At least seven days before an election to fill any public office, the clerk of the county court of each county shall cause to be published in two newspapers within his county, if there be two newspapers published therein, or if there be only one newspaper published therein, then in such newspaper, the nominations to office certified to him by the secretary of state, and also those filed in his office. He shall make not less than two such publications in each of such newspapers before the election, one of which publications in each newspaper shall be upon the last day upon which such newspaper is issued before the election. If there be no newspaper published in his county, the clerk of the county court shall, at least seven days before the election, cause to be posted in his office and at some public place in each township of his county, a printed notice of the nominations to office certified to him by the secretary of state, and also those filed in his office. (R. S. 1889, § 4768—x.)

**SEC. 7092. List of nominations to be arranged, etc.**—The list of nominations published by the clerks of the county courts of the respective counties shall be arranged in the order and form in which they will be printed upon the ballot. (R. S. 1889, § 4769.)

**SEC. 7093. Secretary not to certify names, when, etc.**—But the secretary of state shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office, who shall have notified him in writing, signed and executed with the formalities prescribed for the execution of an instrument affecting real estate to entitle it to record, that he will not accept the nomination contained in the certificate of nomination. The clerk of the county court shall not include in the publication to be made according to section 7091 the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed in the ballots as hereinafter provided. (R. S. 1889, § 4770.)

**SEC. 7094. Constitutional amendment submitted, etc.**—Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall duly, and not less than thirty days before the election, certify the same to the clerk of each county court of the state, and the clerk of each county court shall include the same in the publication provided in section 7091. (R. S. 1889, § 4771.)

**SEC. 7095. Clerk to furnish ballots, etc.**—Except as in this article

(x) 160 Mo. 320; 164 Mo. 237.

otherwise provided, it shall be the duty of the clerk of the county court of each county to provide printed ballots for every election for public officers in which the electors or any of the electors within his county participate, and to cause to be printed in the appropriate ballot, the name of every candidate whose name has been certified to or filed with him in the manner provided for in this article. Ballots other than those printed by the respective clerks of the county courts according to the provisions of this article shall not be cast or counted in any election. (R. S. 1889, § 4772—y.)

**SEC. 7096. Form of ballot.**—Every ballot printed under the provisions of this article shall be headed by the name of the political party by whom the candidates whose names appear on the ballots were nominated, and each of said ballots shall contain only the names of the candidates nominated by said party. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. (R. S. 1889, § 4773, amended, Laws 1891, p. 133, amended, Laws 1897, p. 107.)

**SEC. 7097. Clerk to furnish ballots when any question is submitted.**—Whenever the secretary of state has duly certified to the clerk of each county court any question to be submitted to the vote of the people, the clerk of the county court shall prepare and distribute ballots of such form as will enable the electors to vote upon the question in the manner hereinafter provided. (R. S. 1889, § 4774.)

**SEC. 7098. Number of ballots to be provided.**—The clerk of the county court of each county shall provide for each election district in his county one hundred ballots for each fifty and fraction of fifty electors registered for each political party represented by candidates in the election. If there is no registration of voters in the district, he shall provide ballots to the number of one hundred for each party for every fifty or fraction of fifty electors who voted at the last general election in the district. Said ballots shall be printed from the same kind of paper and of the same size, so that they may not be distinguished the one from the other by the backs thereof. (R. S. 1889, § 4775, amended, Laws 1891, p. 133, amended, Laws 1893, p. 153, amended, Laws 1897, p. 107.)

**SEC. 7099. Ballots to be delivered to judges of election, when.**—Before the opening of the polls at any election for public officers within any county, the clerk of the county court shall cause to be delivered to the judges of election of each election district which is within the county in which the election is to be held, the number of ballots printed for such district, said delivery to be made by the sheriff of the county, his deputy, or constable of the township, who shall be allowed a reasonable compensation for his services, to be provided for by the county court. (R. S. 1889, § 4776, amended, Laws 1891, p. 133, amended, Laws 1893, p. 152.)

**SEC. 7100. Ballots to be printed under direction of county court.** The printing and distributing of all ballots and cards of instructions, and the publication of the lists of nominations to office mentioned in this article shall all be done under the direction and with the consent and approval of the county court of the county in which any such election is to be held. (New section.)

**SEC. 7101. Additional judges to be appointed—charge of ballots.** At the same time and in the same manner as judges of election are appointed or elected, two additional judges of election for each election dis-

trict in the state shall be appointed or elected; three of the judges shall be taken from the political party that polled the largest number of votes at the last preceding general election, and three of the judges from the party that polled the next largest vote. The judges of election shall designate two of their number, not of the same party, whose duty it shall be to have charge of the ballots, and to furnish them to the voters in the manner hereinafter provided. (R. S. 1889, § 4777.)

**SEC. 7102. Omission or error to be corrected, how.**—Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of candidates nominated for office, or in the printing of the ballots, the circuit court of any county, or the judge thereof in vacation, or if the circuit judge is then absent from the county, a judge of the county court, may, upon application by any elector, by order, require the clerk of the county court to correct such error, or to show cause why such error should not be corrected. (R. S. 1889, § 4778—z.)

**SEC. 7103. Booths to be provided—number—who allowed within.** All officers upon whom is imposed by law the duty of designating the polling places, shall provide in each place designated by them a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, in which compartment the electors shall mark their ballots, screened from observation, and a guard so constructed that only persons within the said rail can approach within five feet of the ballot-boxes, or the places or compartments herein provided for. The number of places or compartments shall not be less than one for every one hundred and fraction of one hundred electors who voted at the last preceding general election in the district; in cities having registration, the number shall be one for every hundred or fraction of one hundred names registered. No persons, other than electors engaged in receiving, preparing or depositing their ballots, shall be permitted to be within said rail, except by authority of the judges of election, and except as is now by law otherwise provided. The expenses of providing such places or compartments and guard-rails shall be a public charge, and shall be provided for in each county, town and city in the same manner as the other election expenses. (R. S. 1889, § 4779, amended, Laws 1891, p. 133.)

**SEC. 7104. Ballots to be delivered to voter—to be marked, how.**—On any day of election of public officers in any election district each qualified elector shall be entitled to receive from the judges of election one ballot of each political party voted for at said election. It shall be the duty of such judges of election to deliver such ballots to the elector. Before delivering any ballots to the electors the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballots, with ink or indelible pencil, and no other writing shall be on the back of the ballot, except the number of the ballot voted. (R. S. 1889, § 4780, amended, Laws 1891, p. 133, amended, Laws 1897, p. 107—zz.)

**SEC. 7105. Voting—voter shall proceed, how.**—On receipt of his ballots the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or compartments provided to prepare his ballot. He shall prepare his ballot by selecting the ballot he desires to vote. He shall erase or strike out the name of any candidate

(z) 157 Mo. 656.

(zz) 154 Mo. 808; 155 Mo. 76.

he does not wish to vote for and write the name of his choice underneath. After preparing his ballot the elector shall fold the same so that the face of the ballot shall be concealed and the initials of the judges may be seen. He shall also fold the other ballots given him so that their faces are concealed and so that the initials of the judges may be seen. He shall then hand the ballot he desires to vote to the judge of election selected to take the ballots, who shall number the ballot and deposit it in the ballot-box. The ballots he rejects shall be counted by the other receiving judge, who, after satisfying himself that all given to the voter have been returned, shall place them in a separate box to be provided for that purpose: *Provided*, that any outside party shall have the right to challenge any voter whom he suspects to be an illegal voter, and the judges shall determine the right of the party challenged to vote. (R. S. 1889, § 4781, amended, Laws 1891, p. 133, amended, Laws 1893, p. 153, amended, Laws 1897, p. 107.)

**SEC. 7106. One person to occupy booth.**—Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than five minutes. (R. S. 1889, § 4782.)

**SEC. 7107. Spoiling ballot, judges to furnish another, etc.**—Any voter who shall by accident or mistake spoil his ballot, so that he cannot conveniently vote the same, may on returning said spoiled ballot to the judges of election, receive another in place thereof: *Provided*, he shall at once make out and vote said ballot. Every person who does not vote any ballot delivered to him shall, before leaving the polling place, return such ballot to the judges of election having charge of the ballots. (R. S. 1889, § 4783.)

**SEC. 7108. Illiterate voter—judge to prepare ballot, when.**—Any elector who declares under oath to the judges of election having charge of the ballot that he cannot read or write, or that by reason of physical disability he is unable to mark his ballot, may declare his choice of candidates to the judges having charge of the ballots, who, in the presence of the elector, shall prepare the ballot for voting in the manner hereinbefore provided: *Provided, however*, that the provisions of this section shall not be construed to allow any judge or judges of any election to enter a booth for the purpose of assisting any elector in preparing his ballot. Such judges after reading to the elector the contents of the ballot, shall, without leaving their respective positions, prepare such ballot as the elector may dictate. (R. S. 1889, § 4784, amended, Laws 1891, p. 133, amended, Laws 1893, p. 164.)

**SEC. 7109. Ballots to be numbered, etc.**—Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges, as hereinbefore provided for, do not appear. (R. S. 1889, § 4785, amended, Laws 1891, p. 133—a.)

**SEC. 7110. Clerk to furnish printed instructions, etc.**—The clerk of the county court of each county shall cause to be printed in large type, on cards, instructions for the guidance of electors preparing their ballots. He shall furnish twelve such cards to the judges of election in each election district, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards

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(a) Mandatory. Ballot with initials of only one judge not to be counted. 154 Mo. 608.  
See also 155 Mo. 76.

in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling place, upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done: First, to obtain ballots for voting; second, to prepare the ballots for deposit in the ballot-boxes; third, to obtain a new ballot in place of one accidentally spoiled; also a copy of sections 7111, 7112 and 7114. (R. S. 1889, § 4786.)

**SEC. 7111.** **Destroying certificate, etc.—penalty.**—No person shall: First, falsely make or fraudulently destroy any certificate of nomination, or any part thereof; or, second, file any certificate of nomination, knowing the same, or any part thereof, to be falsely made; or, third, suppress any certificate of nomination which has been duly filed, or any part thereof; or, fourth, forge or falsely make the official endorsement on any ballot. Every person violating any of the provisions of this section shall be deemed guilty of a felony. (R. S. 1889, § 4787.)

**SEC. 7112.** **Destroying supplies of booths, etc.—penalty.**—No person shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters. Every person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor. (R. S. 1889, § 4788.)

**SEC. 7113.** **Officer neglecting duty—penalty.**—Every public officer, upon whom any duty is imposed by this article, who shall willfully neglect or omit to perform such duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a term of not less than six months, or by a fine of not less than two hundred and fifty and not more than three thousand dollars, or by both such fine and imprisonment. (R. S. 1889, § 4789.)

**SEC. 7114.** **Officer not to disclose vote, etc.—penalty.**—No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place, or within one hundred feet of any polling place. No person shall remove any ballot from any polling place before the closing of the polls. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor. (R. S. 1889, § 4790.)

**SEC. 7115.** **Failure to open polls at proper time—proceedings.**—In case of a failure of the judges of election appointed by the court to appear at the time fixed by law for opening the polls, the voters present at any election district to the number of ten or more may proceed to elect judges to act at such polls, whereupon the constable of said township having charge of the ballots shall deliver the same to said judges, to be used at said election. (R. S. 1889, § 4791.)

**SEC. 7116.** **Article not to apply to certain elections.**—This article shall not apply to elections for public officers determined otherwise than by ballot, to township or village elections, to school elections, or elections of county commissioners of public schools, or election for road overseers, or to any city election in cities of the fourth class, or city of under 3,000 inhabitants existing under any special law. (R. S. 1889, § 4792,

amended Laws 1891, p. 133, amended, Laws 1893, p. 153, amended, Laws 1895, p. 170.)

**SEC. 7117. Duties of clerks to be exercised by board of election commissioners.**—The powers and duties herein given to and imposed upon the clerks of the county courts of the several counties shall be exercised in reference to the city of St. Louis and to Kansas City, and to any other city hereafter having a registration of voters, by the board of election commissioners of such city. (R. S. 1889, § 4793—1.)

**SEC. 7118. Application of article.**—The provisions of this article as amended, shall apply to all the election precincts in this state. (Laws 1891, p. 133.)

### ARTICLE III.

#### CONSTITUTIONAL AMENDMENTS.

**SEC. 7119. Publication of, and posting notices of amendments.**—All amendments proposed to the constitution of the State of Missouri by the general assembly shall be published with the laws of the session at which they are proposed, and also in some newspaper, if such there be, in each county in the state for four consecutive weeks next preceding the general election then next ensuing, and two or more copies of such amendments, printed in great primer poster type, shall be posted at each voting place for the information of voters; such copies shall be furnished by the secretary of state to the county clerks of each county, who shall have the same duly posted at each voting place in his county on the morning of the election day on which said amendments are to be voted on. (R. S. 1889, § 4750.)

**SEC. 7120. Secretary of state to designate newspapers—how paid.**—The secretary of state shall designate in what newspaper in each county said proposed amendments shall be published, and the claim due the publisher of such newspaper for such publication and the costs of publishing the copies of the amendments hereinbefore provided for, shall be certified by the secretary of state to the state auditor, who shall draw his warrant on the state treasurer therefor, payable out of any money in the treasury not otherwise appropriated. (R. S. 1889, § 4751.)

**SEC. 7121. Amendments to be numbered.**—Whenever any general assembly shall propose more than one constitutional amendment, such amendment shall be numbered by the secretary of state in the order in which they are passed, as "first constitutional amendment," second constitutional amendment," and so on. (R. S. 1889, 4752.)

**SEC. 7122. Vote to be by ballot—submitted, how—method of voting.**—The vote on a proposition to call a constitutional convention, or on the adoption of a new constitution, or on any proposed constitutional amendment or amendments, shall be taken by ballot. Such amendment shall be designated on each ballot by their respective numbers. If a proposition to call a constitutional convention is submitted, each ballot shall have printed thereon the words "Constitutional convention, yes;" "Constitutional convention, no." If the adoption of a new constitution is submitted, each ballot shall have printed thereon the words

(1) In cities of 25,000 and less than 100,000 inhabitants, see duties of registrar, art. 7, this chapter.

"New constitution, yes;" "New constitution, no." If but one amendment has been proposed, each ballot shall have printed thereon the words "Constitutional amendment, yes;" "Constitutional amendment, no." But if more than one amendment has been proposed, then each ballot shall have printed thereon the words "First constitutional amendment, yes;" "First constitutional amendment, no;" "Second constitutional amendment, yes;" Second constitutional amendment, no;" and so on, designating in numerical order each amendment. The voter shall erase, as the case may be, the words "yes" or "no," to conform the ballot to the vote he desires to cast on the proposition voted on. The secretary of state shall certify to the different county clerks, or other proper officers, the form of the ballot, which shall also state or indicate the character or nature of the proposed constitutional amendment or amendments to be voted on; which statement indicating the character or nature of any proposed constitutional amendment, shall be printed upon the official ballot, in addition to and in connection with the form above provided. Ballots not printed or prepared as herein required shall not be counted on the proposition thereby submitted. (R. S. 1889, § 4753, amended, Laws 1895, p. 170.)

**SEC. 7123. Election conducted, how—returns certified, how.**—The election on such proposed constitutional convention, on the adoption of a new constitution, or on any constitutional amendment or amendments, shall be conducted and the returns made thereof to the several county clerks, and shall by them be certified to the secretary of state, as provided by law in cases of the election of state officers. (R. S. 1889, § 4754, amended, Laws 1895, p. 170—a.)

**SEC. 7124. Proceedings after election.**—If, upon such returns so made to the secretary of state, it is found that there is a majority of the qualified voters of the state voting for and against any one of said amendments, in favor of such amendments, the same shall be deemed and taken to have been ratified by the people, and the secretary of state shall certify the result of such vote to the governor, who shall thereupon, without unnecessary delay, issue his proclamation declaring such amendment ratified by a majority of the qualified voters of this state, and valid and binding to all intents and purposes as a part of the constitution of the state of Missouri. (R. S. 1889, § 4755.)

**SEC. 7125. Constitutional amendment—removal of capital—bonds, etc.**—When any proposed amendment to the constitution of the state shall be submitted to the qualified voters thereof, changing the seat of government, and providing therein for the erection of new public buildings and the donation of grounds without expense to the state, it shall be lawful for and be the duty of the city or county within which the seat of government is proposed to be located, either directly or through some person or persons in lieu thereof, to deposit with the governor such securities, bonds or obligations as he may deem sufficient to guarantee the erection of such buildings and the donation of such grounds without any expense to the state, as well as to guarantee, in addition, the faithful performance of any other provision of any such proposed amendment to the constitution. (Laws 1895, p. 96.)

**SEC. 7126. *Id.* Bonds, when and where deposited.**—Such securities, bonds or obligations shall be deposited with the governor on or before the first day of May next prior to the general election at which such proposed constitutional amendment is to be voted upon. The amount of such securities, bonds or obligations shall be the estimated

cost of erecting such buildings and procuring such grounds as any proposed amendment may provide for, together with cost of carrying out any other provisions of such proposed amendment; and for the purpose of determining such cost, the governor shall take the advice of a competent architect or architects; and if the said securities are not entirely satisfactory to the governor, he shall immediately declare by public official proclamation that, in his opinion, a failure has been made to comply with the stipulated terms of removal; and if satisfactory, the governor shall proclaim the same by proclamation. (Laws 1895, p. 96.)

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## **ARTICLE IV.**

### **PRIMARIES.**

**SEC. 7127. Judges, etc., to take oath.**—The judges, clerks and tellers of any primary election held for the purpose of nominating candidates for election, or of selecting delegates to a nominating convention whereby candidates are selected for any public office, shall, before entering upon their duties, take and subscribe the oath prescribed by law for judges and clerks of election. (R. S. 1889, § 4795.)

**SEC. 7128. Disqualified voter voting, etc.—penalty.**—Any person voting at any such primary election, who is not qualified to vote in the election precinct where he offers to vote at the next state, county or municipal election, or who shall vote more than once at the same or different precincts or polls on the same day in the same election, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment. (R. S. 1889, § 4796.)

**SEC. 7129. Procuring illegal vote—penalty.**—Every person who shall knowingly procure any illegal vote to be cast at such primary election shall be deemed guilty of a misdemeanor, and, upon conviction thereof, punished as provided for in section 7128. (R. S. 1899, § 4797.)

**SEC. 7130. Making fraudulent returns—penalty.**—Any judge, clerk or teller of any primary election held by any political party in this state, who shall make or return a fraudulent statement of the result of such election, shall be deemed guilty of a misdemeanor, and upon conviction, punished as hereinbefore provided. (R. S. 1889, § 4798.)

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## **ARTICLE VI.**

### **CORRUPT PRACTICES.**

**SEC. 7171. Who deemed guilty of bribery.**—The following persons shall be deemed guilty of bribery at elections and shall be punished accordingly:

*First*—Every person who shall directly or indirectly, by himself, or by any other person on his behalf, give, lend or agree to give or lend, or shall offer, promise, or promise to procure or endeavor to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting or shall corruptly do

any such act as aforesaid, on account of such voter having voted or refrained from voting at any election.

*Second*—Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or endeavor to procure, any office, place or employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election.

*Third*—Every person who shall, directly or indirectly, by himself, or any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure, the election of any person to a public office, or the vote of any voter at any election.

*Fourth*—Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise, or endeavor to procure, the election of any person to a public office or the vote of any voter at any election.

*Fifth*—Every person who shall advance or pay, or cause to be paid, any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money, wholly or in part, expended in bribery at any election; and any person so offending shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than three years and not more than five years; and for every such offense he shall also forfeit the sum of \$500 with costs of suit, to any person who shall sue for the same in the name of the state of Missouri, to the use of the person suing, in any circuit court in this state having jurisdiction of the person of the defendant: *Provided, always*, that the foregoing enactment shall not extend to or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election. (Laws 1893, p. 157—a.)

**SEC. 7172. Other persons deemed guilty of bribery.**—The following persons shall also be deemed guilty of bribery at elections, and shall be punished accordingly: *First*, every voter who shall, before or during any election, directly or indirectly, by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment, public or private, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election. *Second*, every person who shall, after any election, directly or indirectly, by himself, or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election, and any person so offending shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than one month and not more than one year. (Laws 1893, p. 157.)

**SEC. 7173. Candidates guilty of bribery, etc., when.**—Any candidate for a public office, or any person seeking to become the nominee of any party as such candidate, who, within ten days prior to any primary

election or meeting held to select delegates to a convention to nominate a candidate for the public office which he seeks to obtain, or who within 60 days prior to the election whereat an incumbent for the office so sought by him is chosen, corruptly, by himself or by any other person, directly or indirectly, gives or provides or pays, wholly or in part, or promises to pay, wholly or in part, the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person, to give or refrain from giving his vote at such election, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for each offense. (Laws 1893, p. 157.)

**SEC. 7174. Use of, or threat to make use of, violence, etc., to compel or induce persons to vote—penalty.**—Every person who shall directly or indirectly, by himself, or any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than one month and not more than one year. (Laws 1893, p. 157.)

**SEC. 7175. Employes to be allowed four hours—penalty, etc.**—Any person entitled to vote at any election in this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of four hours between the times of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty: *Provided, however,* that his employer may specify the hours during which such employe may absent himself as aforesaid. Any person or corporation who shall refuse to any employe the privilege hereby conferred, or shall discharge or threaten to discharge any employe for absenting himself from his work for the purpose of said election, or shall cause any employe to suffer any penalty or deduction of wages because of the exercise of such privilege, or who shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding five hundred dollars. (Laws 1893, p. 157, amended, Laws 1897, p. 108.)

**SEC. 7176. Corporation using threats or money, etc.—penalty.**—It shall not be lawful for any corporation organized and doing business under and by virtue of the laws of this state, to directly or indirectly, by or through any of its officers or agents, or by or through any person or persons for them, influence or attempt to influence the result of any election to be held in this state, or procure or endeavor to procure the election of any person to a public office by the use of money belonging to such corporation, or by subscribing any money to any campaign fund of any party or person, or by discharging or threatening to discharge any employe of such corporation for reason of the political opinions of such employe, or to use or offer to use any power, effort, influence or other means whatsoever, to induce or persuade any employe or other person entitled to register before or vote at any elec-

tion, to vote or refrain from voting for any candidate, or on any question to be determined or at issue at any election. Any violation of the provisions of this section by a corporation shall be deemed and held as a forfeiture of its charter or franchise, as granted or derived from the state, as for willful misuser thereof, and such corporation shall be enjoined from transacting any business in this state; and such forfeiture or injunction may be adjudged by any circuit court of any county in which such corporation is located, in a suit instituted for that purpose, in the name of the state of Missouri, by the prosecuting attorney of any county, and in the city of St. Louis by the circuit attorney or by the attorney-general. (Laws 1893, p. 157, amended, Laws 1897, p. 108.)

**SEC. 7177. Officer of corporation threatening discharge, etc., to influence employe—penalty.**—Every officer or agent of any railroad or other corporation, company or association, and every individual conducting or carrying on any business in this state and having under his control or supervision, or in his employ any servants, agents or other employes entitled to vote at any election in this state, who shall either directly or indirectly, or by or through any person or persons for him, discharge or offer or attempt to discharge from any employment, service or position, any such employe for reason of the political opinions or belief of any such employe, or who shall coerce or attempt to coerce, intimidate or bribe any employe, or who shall by or through any unjust, corrupt or unlawful means, procure or attempt to procure or influence any employe entitled to register before or vote at any election, to vote or refrain from voting for any candidate for any public office at any election, or on any question to be determined or at issue in any election held in this state, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than five years. (Laws 1893, p. 157, amended, Laws 1897, p. 108.)

**SEC. 7178. Personation of another—penalty.**—A person shall, for all purposes of this article, be deemed guilty of the offense of personation, who, at any election held pursuant to the laws of the state applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name or any other name; and any person who commits the offense of personation, or who aids, abets, counsels or procures the commission of that offense, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than two years or more than five years. (Laws 1893, p. 157—b.)

**SEC. 7179. Amount to be expended by candidates—how determined.**—No candidate for congress or for any public office in this state, or any county, district or municipality thereof, which office is to be filled by popular election, shall, by himself or by or through any agent or agents, committee or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute or expend any money or other valuable thing in order to secure or aid in securing his nomination or election, or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For five thousand voters or less, one hundred dollars; for each one hundred voters over five thousand and under

twenty-five thousand, two dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, one dollar; and for each one hundred voters over fifty thousand, fifty cents—the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment, contribution or expenditure, or promise, agreement or offer to pay, contribute or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful. (Laws 1893, p. 157.)

**SEC. 7180. Statement of moneys expended to be made, filed, etc.—penalty for failure.**—Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the general assembly of Missouri or for senator or representative in the congress of the United States, shall, within thirty days after the election held to fill such office or place, make out and file with the officer empowered by law to issue the certificate of election to such office or place, and a duplicate thereof with the recorder of deeds for the county in which such candidate resides, a statement, in writing, which statement and duplicate shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money, except all sums paid for actual traveling expenses, including hotel or lodging bills, contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any other persons or person in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons to whom and the purposes for which all such sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. No officer authorized by law to issue commissions or certificates of election shall issue a commission or certificate of election to any such person until such statement shall have been so made, verified and filed by such persons with said officer. (Laws 1893, p. 157, amended, Laws 1895, p. 173.)

**SEC. 7181. Failure to comply with preceding section—penalty.**—Any person failing to comply with the provisions of section 7180 of this article shall be liable to a fine not exceeding one thousand dollars, to be recovered in an action brought in the name of the state by the attorney-general, or by the prosecuting attorney of the county of the candidate's residence, the amount of said fine to be fixed within the above limit by the jury, and to be paid into the school fund of said county. (Laws 1893, p. 157.)

**SEC. 7182. Statement of expenditures to be filed, when.**—No person shall enter upon the duties of any election office until he shall have filed the statement and duplicate provided for in section 7180 of this article, nor shall he receive any salary or any emolument for any period prior to the filing of the same. (Laws 1893, p. 157.)

**SEC. 7183. Person receiving next highest number of votes declared elected, when.**—At any time during the term of office of any public officer elected under the laws of this state, or under the charter of any city therein, the person who received the next highest number of votes for such office at the election at which such public officer was elected, as shown by the official count, may present an application in

writing, and verified by his affidavit, to the attorney-general, setting forth one or more of the following charges against such public officer, to wit: That at the election at which such public officer was elected, the total amount expended, contributed or incurred by such officer exceeded the sum allowed by section 7179 of this article for such candidate, or that votes were secured by him or his agent or agents, or with his consent or connivance, or with the consent or connivance of his agent or agents, by some committee or organization, or some political party, of which party such public officer was a nominee, or by which he was supported, or the agent or agents of some such committee or organization, by paying, contributing, offering or promising to contribute money or other valuable thing as a compensation or reward, or by some promise or influence, the giving such vote or votes, or that votes were withheld from such applicant by reason of such practices by or on behalf of such officer, agent, committee or organization, or by reason of some act on behalf of such officer declared by this article to be unlawful; and further setting forth that the applicant desires said attorney-general to bring an action to have such public office declared vacant on account of said violation of the laws concerning elections. Such application shall be accompanied by a bond to the state of Missouri in the penalty of one thousand dollars, subscribed by two sureties, who shall justify as freeholders of the state, and in double the amount of such penalty, exclusive of all their debts and liabilities, and property exempt by law from levy and sale under execution—such bond to be conditioned for the payment to the state of all the taxable costs and disbursements for which it may become liable for or on account of such action. (Laws 1893, p. 157—c.)

**SEC. 7184. Attorney-general, duties of.**—It shall be the duty of the attorney-general, within ten days after the receipt of such application and bond, to begin an action against such public officer, or to instruct the prosecuting attorney of the county in which such public officer resides, to bring such action within ten days after such notice, to have said office declared vacant, and for such other or further relief appropriate in an action against the usurper of any office or franchise. Such action shall be deemed to be and shall be conducted according to the rules prescribed by law for an action against the usurper of an office or franchise, and it shall be the duty of any prosecuting attorney to bring such action within ten days after the receipt of such notice from the attorney-general. (Laws 1893, p. 157.)

**SEC. 7185. Attorney-general or prosecuting attorney refusing to act, suit brought by whom.**—In case the attorney-general and prosecuting attorney shall neglect or refuse to bring such action within the time limited in section 7184 of this article, it shall be lawful for the applicant to bring such action in the name of the state, but at his own expense, and by his attorney or attorneys; and in any action so brought by said applicant, no recovery for costs and disbursements shall be had against the state: *Provided*, that in any case, whether instituted by the attorney-general or the prosecuting attorney, or by the applicant in person, if the court shall, at any time pending such action, find the bond given as aforesaid inadequate in amount to cover the costs accrued or likely to accrue in the cause, or shall find any surety or sureties insufficient, additional bond or other sureties may be required by the court, within such time and upon such terms as the court may order; and upon

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(c) Officer may be ousted, but a vacancy is thereby created to be filled only by the governor. Section declared, in part, unconstitutional. 153 Mo. 91.

failure to comply with any such order of the court, such action may be dismissed at the cost of the applicant and his sureties. (Laws 1893, p. 157.)

**SEC. 7186. Actions to have preference on docket.**—Such action shall have a preference on the docket of any court of the state in which the same shall be pending, over all other civil actions whatever. (Laws 1893, p. 157.)

**SEC. 7187. Judgment in favor of state or plaintiff, when.**—If it shall be determined in any such action that any one or more of the charges defined in section 7183 of this article, and set forth in the petition, has been sustained, judgment shall be rendered ousting and excluding such defendant from such office, and in favor of the state or plaintiff, as the case may be, subject to the provisions of the next succeeding section, and for the costs of the action. But if no one of the charges set forth in the petition in said cause be sustained, judgment shall be rendered against such applicant and his sureties on the bond or bonds for the costs of such action. (Laws 1893, p. 157.)

**SEC. 7188. Office declared vacant, when.**—In any such action, such applicant, upon his own motion or on the motion of the defendant, shall be made a party plaintiff; and in any case in which such applicant shall be a party, if judgment of ouster against the defendant shall be rendered, as provided in section 7187 of this article, said judgment shall award such office to said applicant, unless it shall be further determined in such action, upon appropriate pleading and proof by defendant, that some act has been done or committed which would have been ground in a similar action against such plaintiff had he been declared elected to such office, for a judgment of ouster against him; and if it shall be so determined at the trial, such office shall be in the judgment declared vacant, and shall thereupon be filled by appointment, or a new election as may be otherwise provided by law regarding such office. (Laws 1893, p. 157—d.)

**SEC. 7189. Persons not to be excused from answering questions, when.**—No person shall be excused from answering any question on trial of such action relating to any of the acts claimed to have been committed by any party thereto, or any of the persons, committees or organizations mentioned in section 7185 of this article, on the ground that such answer would tend to incriminate or degrade such person or witness. But no such answer or answers shall be used or be evidenced against such witness in any criminal action, prosecution or proceeding whatever. (Laws 1893, p. 157.)

**SEC. 7190. Who deemed a political committee.**—Every two or more persons who shall be elected, appointed, chosen or associated for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money for election purposes, and every two or more persons who shall co-operate in the raising, collection or disbursement, or in controlling or directing the raising, collection or disbursement, of money used or to be used in furtherance of the election or to defeat the election to public office of any person or any class or number of persons, or in furtherance of the enactment or to defeat the enactment of any law or ordinance, or constitutional provision, shall be deemed a political committee within the meaning of this article. (Laws 1893, p. 157.)

**SEC. 7191. Committee to appoint treasurer—duties.**—Every polit-

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(d) In part unconstitutional. Ousting officer creates a vacancy to be filled only by governor. 153 Mo. 91.

ical committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, or by any of its members, for any of the purposes mentioned in section 7190 of this article, for which such committee exists or acts; and, unless such treasurer is first appointed and thereafter maintained, it shall be unlawful and a violation of this article for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received or disbursed by any political committee, or by any member or members thereof, for any of the purposes mentioned in section 7190 of this article, and for which such committee exists or acts, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful and a violation of this article for any political committee or for any member or members of a political committee, to disburse or expend money for any of the objects or purposes mentioned in section 7190 of this article, and for which such committee exists or acts, until the money so disbursed or expended shall have passed through the hands of the treasurer of such political committee. (Laws 1893, p. 157.)

**SEC. 7192. Duties of treasurer.**—Every treasurer of a political committee, and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in section 7190 of this article, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when and the person from whom received, or to whom paid, as the case may be, and the object and purpose for which such sum was received or disbursed. (Laws 1893, p. 157.)

**SEC. 7193. Statement of receipts and expenditures to be filed by treasurer.**—Every treasurer of a political committee, as defined in this article, and every person who shall act as such treasurer, shall, within thirty days after each and every election, whether state, county, city, municipal, township or district election, in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in section 7190 of this article, prepare and file in the office of the recorder of deeds of the county in which such treasurer resides a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in section 7190 of this article, within the period beginning ninety days before such election, and ending on the day on which such statement is filed, the date of each receipt and each disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was received, and the object or purpose for which disbursed. Such statement shall also set forth the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, in detail, and if there are no unpaid debts or obligations of such committee, such statement shall state such fact. (Laws 1893, p. 157.)

**SEC. 7194. Statements and accounts to be open to inspection.**—Every officer required by law to issue certificates of election or commis-

sions as the result of elections, shall receive and file in his office and there keep, as part of the records thereof, for four years after they are filed, all statements and accounts required by this article to be filed with him. Such statements and accounts shall, at all reasonable times, be open to public inspection. After four years succeeding the filing of such statements, they shall be destroyed by such officer, or his successor. Copies of such statements, certified by such officer, under the seal of his office, of any such statement or statements, and any copy so certified, shall be admitted in evidence in all courts, with like force and effect as the original would have if produced. (Laws 1893, p. 157.)

**SEC. 7195. Treasurer failing to file statement—penalty.**—Every treasurer of a political committee as defined in this article, who shall willfully fail, neglect or refuse to make out, verify and file with the recorder of deeds the statement required by section 7193 of this article, shall be guilty of a misdemeanor, and upon a conviction shall be fined not less than fifty nor more than five hundred dollars. (Laws 1893, p. 157.)

**SEC. 7196. Failure of treasurer to keep account—mutilation of book—failure to file statement—penalty.**—Every treasurer of a political committee, and every person who shall receive any money to be applied to any of the purposes mentioned in section 7190 of this article, who shall either:

*First*—Neglect or fail to keep a correct book or books of account, setting forth all the details required to be set forth in the account and statement contemplated in sections 7192 and 7193 of this article, except that the book or books need not be subscribed or sworn to, with intent to conceal the receipt or disbursement of any such sum received or disbursed by him or by any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing, in detail; or,

*Second*—Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or,

*Third*—Fail to file the statement and account contemplated by said section 7193 within five days after he shall receive notice, in writing, signed by five resident freeholders of the county in which such treasurer or political committee or person resides, requesting him to file statement and account, shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned in the county jail for not less than two or more than six months. (Laws 1893, p. 157.)

## ARTICLE VII.

### REGISTRATION IN CITIES WITH 25,000 AND LESS THAN 100,000 INHABITANTS.

**SEC. 7197. Registration in cities of 25,000 and less than 100,000 inhabitants.**—There shall be a registration of all the qualified voters in cities having a population of twenty-five thousand inhabitants and less than one hundred thousand inhabitants, whether organized under general law or special charter, which registration shall be had under

the provisions of this article; and for the purpose of ascertaining or determining the population of cities within this state that may have a population of at least twenty-five thousand and less than one hundred thousand, the aggregate vote cast for the first candidate on each ticket voted for at the last preceding presidential election in such cities, shall be multiplied by five, and the product shall be deemed to be the number of inhabitants in such city. (R. S. 1889, § 1790, amended.)

**SEC. 7198. Who may be registered.**—Every male citizen of the United States, and every person of foreign birth who may have declared his intention to become a citizen of the United States according to law not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who has resided in this state one year next preceding the election at which he offers to vote, and during the last sixty days of that time shall have resided in the city, and during the last ten days of that time in the ward at which he offers to vote, who has not been convicted of bribery, perjury or other infamous crime, nor directly interested in any bet or wager depending upon the result of the election, nor serving at the time in the regular army or navy of the United States, shall be entitled to vote at such election for all offices, state or municipal, made elective by the people, or at any other election held in pursuance of the laws of this state; but he shall not vote elsewhere than in the election precinct where his name is registered, and whereof he is registered as a resident. (R. S. 1889, § 1791.)

**SEC. 7199. County clerk to provide registration book—oath—form of book.**—The clerk of the county court for general or special election, in cities of twenty-five thousand and less than thirty thousand inhabitants in this state, shall provide a suitable registration book for each election district in their several cities, which shall have written or printed therein the following oath: “We, the undersigned, do solemnly swear (or affirm) that we will support the constitution of the United States and of the state of Missouri; and we do further swear (or affirm) that we have not registered in any other election district, that we and each of us have given our true names and places of residence as hereto subscribed.” The registration books and the registration lists of poll-books, as hereinbefore provided to be delivered to the judges of election, shall be in the following form:

Registration number.	Name.	No. of the ballots in the order in which it was received.....	Residence.	Peculiar marks of identification.	Voted.....	Rejected.....

**SEC. 7200. Registrar, appointment, election, qualifications and powers of.**—In all cities of this state which now contain or may hereafter contain twenty-five thousand inhabitants and less than one hundred thousand inhabitants, at each general election for state officers, there shall be elected, in each election district of such cities, by the qualified voters of such election district, one registrar of elections, who shall have the qualifications of an elector in his election district, and be an owner of real estate in this state, and who shall hold his office for two years and until his successor is elected and qualified. Said registrars shall have the authority to administer all oaths which may be necessary in the registration of voters. All vacancies occurring in the office of registrar of elections for any election district in such cities shall be filled by the respective city councils of such cities, and whenever any city shall, by law, for the first time come under the operations of this section, the city council of such city, shall, not less than ninety days prior to the first municipal or general election held in such city after it shall come under the operation of this section, appoint registrars of elections for each of the election districts of said cities, who shall serve until their successors are duly elected at the next regular election for that purpose and qualified. When any city shall first come under the provisions of this section, and the first election held in such city, after it shall come under its provisions, shall be a municipal election, the registrars herein provided for shall hold a special registration in such city, under the provisions of this article within forty days next preceding the tenth day prior to such municipal election. (R. S. 1889, § 1793, amended.)

**SEC. 7201. Qualifications of voters—challenges—rejected ballots.** Any person having the qualification of a voter as prescribed in this article, and who shall take and subscribe the oath required of voters by this article, and who applies for registration at the time and in the manner prescribed by law, and any naturalized citizen who shall subscribe to a written statement under oath before the registrar that he is naturalized according to the laws of the United States and of this article, and that his naturalization papers, or evidence of his citizenship have been lost or destroyed, or that the same are not accessible to him, and shall state where he was naturalized, shall be accepted by the registering officer, and duly registered as a qualified voter: *Provided*, any person registered according to the provisions of this article, when he offers to vote, may be challenged as disqualified by any person who is an elector of this state; and it shall be the duty of the judges of election to try and determine, in a summary manner, before the close of the polls, the qualifications of any person challenged as aforesaid, and upon proof that the person so challenged is not a qualified voter, the judges of election shall reject his vote, and they shall state, opposite the name of the person on the registered list of voters whose vote is rejected, the nature of his disqualification and the names of the witnesses upon whose testimony his vote was rejected; but the vote of no person who may be challenged shall be rejected except upon the testimony of two credible witnesses; *and provided further*, that the party challenging the right of any person to vote shall swear, before the judges of election at the time of so challenging the vote, that to the best of his knowledge and belief the party (naming him) is not a qualified voter under the laws of this state, and he shall also swear to the reasons which disqualified him from voting; *and provided further*, that the ballot of such person so rejected shall be preserved and returned with the books and

other ballots in a separate envelope marked *rejected ballots*, and the clerk of the county shall preserve the same in his office. (R. S. 1889, § 1794.)

**SEC. 7202. County clerks to deliver registration books to registering officers.**—The clerk of the county court shall deliver, or cause to be delivered, the registration books required by section 7199 of this article, to the various registering officers of his county, at least three days before the time set for any registration, and they shall be returned by such officers to the county clerk, together with a copy thereof, alphabetically arranged, all and each of which duly certified under their hands, within three days after the close of each registration, and be kept by the clerk, subject to public inspection. (R. S. 1889, § 1795.)

**SEC. 7203. Registration, days of, places for and notice of registration.**—The county court of each county containing cities of twenty-five thousand and less than one hundred thousand inhabitants, shall appoint days of registration, not to exceed five in each election district of said cities, which shall be within forty days next preceding the tenth day prior to every biennial election; the county court of each of said counties shall also appoint, at least ten days before any special or municipal election held in their county, days of registration, not exceeding three, in each election district of said cities, for the purposes of such special or municipal election, at which time those who have become entitled to register at the last general registration, but who having for any cause failed or neglected to do so, may register upon compliance with the provisions of this article. All registration of voters under this article shall be held at the place of voting established by the county courts in each election district; and the county court shall give notice of such registration and the places where the same is to be held, by publication thereof in a daily newspaper published in said city for ten days next preceding such registration. (R. S. 1889, § 1796.)

**SEC. 7204. Deputy registrars.**—Wherever there shall be more than one precinct in any election district in which registration is required to be made under this article, the registrars shall appoint one deputy registrar for each additional precinct, who shall be vested with all the powers and duties of the registrar of the district. Each deputy so appointed shall reside in the precinct for which he is appointed; shall have the qualifications of an elector therein, and be an owner of real estate in the state. (R. S. 1889, § 1797.)

**SEC. 7205. Board of revision—duties of.**—On the Friday and Saturday preceding the seventh day before each general election, the registrars of each district shall meet at the courthouse in said city as a board of revision. They shall pass upon the claims of all persons asking to be registered and who shall have not been registered, and also upon all objections to parties who have been registered as qualified voters. They shall add to the list in each precinct the names of such persons as are legally entitled to registration therein, and shall strike therefrom such as have been improperly registered; but the name of no person shall be stricken from the list unless he shall have had at least two days' notice, in writing, of the time and place his case will be heard: *Provided*, if objections shall be made at the time the person is registered; no notice shall be necessary, but such objection and the name of the objector shall be noted at the time of registration by the registering officer. If any person who has been duly registered removes his residence from the election district in which he is registered to another election district in the same city, not less than ten days previous to the

next election following, the registration officer of the district whence he removed shall grant him a certificate of registration, and write the word *removed* opposite his name on the registration book of that district; upon the presentation of his certificate to the board of revision, he shall be entered as a registered voter in the district to which he has removed, on or before the day of election, and be entitled to vote in such district. (R. S. 1889, § 1798.)

**SEC. 7205a. Voter absent from city or sick on registration days may register, how.**—Any voter who is absent from the city on the days of registration on account of business or sickness may have his name placed on the registration list, at any time before the board of revision meets, by filing with the registrar of the precinct in which he is a voter, his affidavit made before some officer authorized by the laws of this state to administer oaths, setting forth the facts that he is a legal voter in such precinct and is entitled to register and vote therein, also stating his place of residence and that he was prevented from registering on the registration days because he was absent from the city on account of business or sickness; and he shall also include in said affidavit the oath that other voters are required to take who register on said registration days. The registrars shall file all affidavits made as aforesaid, with the board of revision on the first day of the meeting of said board, and any objections made to the registering of any person by affidavit as aforesaid shall be passed upon by said board of revision in the same manner as objections to other registered voters. The said board shall, upon the completion of its work, deliver all such affidavits to the clerk of the county court who shall safely keep the same. (Laws 1901, p. 145.)

**SEC. 7206. Hours of registration.**—The registration officers shall, in the discharge of their duties, attend at the places of registration in their respective districts on the days appointed by the county court and by this article, from the hours of eight o'clock in the forenoon until nine o'clock p. m. of each day, and shall, without delay register all persons as voters who, having the qualifications prescribed by law, present themselves therefor and take the oath required by this article. (R. S. 1889, § 1799.)

**SEC. 7207. County clerk to deliver original registration book and copy.**—The county clerk of each county containing cities in which registration may be had under and by virtue of this article shall, on the day before the election for which any such registration was made, deliver to the judges of election appointed under and by virtue of the general law of elections, the original registration book of their respective precincts, together with a copy thereof, heretofore required to be made, and shall take the receipt of one of the judges therefor. (R. S. 1889, § 1800.)

**SEC. 7208. Duties of clerks of election—return of books.**—The clerks of the election shall, at the time any person votes or offers to vote, enter the words *voted* or *rejected*, as the case may be, opposite the voter's name, on the registration books or lists furnished them, in the appropriate column; and at the close of the polls the registration book or lists shall be signed by the judges and attested by the clerks, and the names therein marked *voted* shall be counted and the number set down at the foot of the registration book or list, and any variance between that and the number of ballots counted, noted on said books; and the names therein marked *rejected*, or otherwise disposed of, shall be counted

and the number set down at the foot of the registration book or list, and any variance between that and the number of rejected ballots noted in like manner. The registration books shall then be returned to the county clerk in the manner now provided by law for the return of poll-books. (R. S. 1889, § 1801.)

**SEC. 7209. Pay of registration officers—expenses.**—Each registration officer, including deputies, shall receive for his services, under this article, three dollars per day for each day necessarily occupied in the discharge of his duties, and all other officers shall receive the like fees as now allowed by law for similar services. All expenses incurred under this article shall be paid out of the respective county treasuries. (R. S. 1889, § 1802.)

**SEC. 7210. Elections, how conducted.**—All elections in such city shall be conducted in all respects as provided in this article, and subject to all the provisions of the Revised Statutes, entitled "*Elections*," so far as the same do not conflict with this article. (R. S. 1889, § 1803—a.)

**SEC. 7211. Registered voters—additional lists to be furnished by county clerk.**—In case any such city shall desire one or more certified lists of the registered voters resident within their corporate limits, to be used by the judges of the election at any corporate election, the clerk of the county court is directed, on demand of the lawful authorities of such city, to make out and certify such lists, but all expenses thereof shall be paid by the said city. (R. S. 1889, § 1804.)

**SEC. 7212. Circuit courts to have supervisory control of registration.**—The circuit court of the several counties shall have a supervisory control over the registration officers appointed or elected by virtue of this article, and the clerks of the county courts, touching all matters appertaining to the registration of voters. (R. S. 1889, § 1805.)

**SEC. 7213. Special registration, day of.**—There shall be a special registration held according to the provisions of this article, commencing on the 31st day of March, 1890, in all the counties of this state containing cities of twenty-five thousand and less than thirty thousand inhabitants, for said cities. (R. S. 1889, § 1806.)

**SEC. 7214. Additional registration, etc.**—Additional registration shall be made for special elections, except elections for school purposes, but after the special registration provided for in the next preceding section shall have been made, no special election shall be invalidated because of a failure to make such registration. (R. S. 1889, § 1807.)

**SEC. 7215. Voting precincts—duty of common council.**—The common council of every city in which registration of voters may be had under and by virtue of any special charter, or under the provisions of this article, may, by ordinance, provide for two or more voting precincts in each ward of such city, and such common council may, by ordinance, make such provisions as to judges and clerks of elections and additional copies of registration lists and the use of such copies at such voting precincts, as may be necessary in the premises. (R. S. 1889, § 1808.)

**SEC. 7216. Registrar not to be a candidate.**—No registrar shall be a candidate for any office under the laws of this state at the general or special election for which registration has been made by him. (R. S. 1889, § 1809.)

**SEC. 7217. Restrictions—illegal registration—penalty.**—No per-

(a) When this section was enacted Article I of this chapter constituted the "provisions of the Revised Statutes, entitled '*Elections*'."

son shall register in any election district other than the one in which he resides at the time of registration. Any person registering under an assumed name, or name other than his own, or who shall register in more than one election district at any registration, or shall willfully and illegally procure his name to be placed upon the registration lists of voters, when not entitled thereto, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than six months nor more than one year, or by both such fine and imprisonment. (R. S. 1889, § 1810.)

**SEC. 7218. Corrupt registration—refusal to register qualified voters—penalty on registrar.**—Any registrar who shall knowingly and corruptly register any person as a voter who is not entitled so to be registered, and any registrar who shall willfully and maliciously or corruptly refuse to register any person entitled to be registered as a voter, shall on conviction thereof be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail not to exceed one year; and shall for ten years thereafter be disqualified from voting at any election held in this state, or from holding any office of honor, profit or trust under the laws of this state. (R. S. 1889, § 1811.)

**SEC. 7219. Challenge by registrar—proceedings.**—If the right of any person to register as a qualified voter be challenged, or if the registrar doubts the qualifications of any person applying for registration, such person shall file with the registrar his second written statement as to his qualifications as a voter, as prescribed by the provisions of this article, which statement shall be conclusive of the facts therein contained, and shall be returned by the registrar, with his books, to the county clerk of the county, and filed and preserved by him. (R. S. 1889, § 1812.)

**SEC. 7220. Destroying or mutilating registration books, penalty.**—Whoever shall willfully and maliciously destroy, mutilate or deface, or take by violence from any registrar, judge of election, county clerk or other proper custodian, or steal, take and carry away from its proper custodian, any book of registration or list of voters, required by this article to be made or kept, shall, on conviction thereof, be punished by imprisonment in the county jail not more than twelve months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (R. S. 1889, § 1813.)

**SEC. 7221. Justice of county court failing of duty, penalty.**—Any justice of the county court, or any other officer who shall be charged with the performance of any duties appertaining to the registration of voters, who shall willfully and corruptly fail or refuse to perform the same, shall be deemed guilty of a misdemeanor in office. (R. S. 1889, § 1814.)

## CITIZENSHIP.

### CHAPTER 15.

**SEC. 1991. Conviction in what cases forfeits citizenship.**—Any person who shall be convicted of arson, burglary, robbery or larceny, in any degree, in this article specified, or who shall be sentenced to im-

prisonment in the penitentiary for any other crime punishable under the provisions of this article, shall be incompetent to serve as a juror in any cause, and shall be forever disqualified from voting at any election or holding any office of honor, trust or profit, within this state: *Provided*, that the provisions of this section shall not apply to any person who at the time of his conviction shall be under the age of twenty years: *Provided, further*, that in all cases where persons have been convicted under this act the disqualification provided may be removed by the pardon of the governor any time after one year from the date of conviction. (R. S. 1889, § 3624, amended—*a.*)

**SEC. 2388. Pardon, effect of.**—When any person shall be sentenced upon a conviction for any offense, and is thereby, according to the provisions of this law, disqualified to be sworn as a witness or juror in any cause, or to vote at any election, or to hold any office of honor, profit or trust within this state, such disabilities may be removed by a pardon by the governor, and not otherwise, except in the case in the next section mentioned. (R. S. 1889, § 3968—*b.*)

**SEC. 2389. Citizenship not lost, when.**—If such convict shall have committed the offense while within the age of eighteen years, and such conviction shall be for a first offense, all civil disabilities incurred shall be removed and his competency restored at the expiration of the term of imprisonment to which he shall have been sentenced. (R. S. 1889, § 3969.)

## OFFENSES BY PERSONS IN OFFICE OR AFFECTING PUBLIC TRUSTS AND RIGHTS.

### CHAPTER 15—ARTICLE VI.

**SEC. 2084. Bribing public officers—punishment.**—Every person who shall, directly or indirectly, give any money, goods, right in action or any other valuable consideration, gratuity or reward, or any promise, undertaking or security therefor, to any judge or justice of any court, justice of the peace, or to any member of the legislature, or to any officer or employe thereof, or to any other public officer of this state, or of any county or city, town or township thereof: First, with intent to influence his vote, opinion, judgment or decision on any question, matter, election, appointment, cause or proceeding, which may be then pending, or may by law be brought before him in his official capacity, or to induce him to neglect or omit the performance of any official duty, or to perform such duty with partiality or favor, or otherwise than is required by law; or, second, in consideration that any such officer or member of the legislature has given any vote, opinion, judgment or decision in any particular manner, or for any particular person, or upon any particular side, or more favorable to one side than the other, in any matter, question, election, cause or proceeding, or has omitted to perform any official act or duty, or has performed such act or duty with partiality or favor, or in anywise contrary to law, shall be deemed guilty of bribery, and be punished by imprisonment in the penitentiary for a term not exceeding seven years. (R. S. 1889, § 3716.)

(a) 79 Mo. 113; 82 Mo. 82; 91 Mo. 228.

(b) 79 Mo. 113; 91 Mo. 228.

**SEC. 2085. Officers accepting bribes—punishment.**—Every judge or justice of any court, justice of the peace, member of the legislature, or officer or employe thereof, and any other public officer of this state, or of any county or city, town or township thereof, who shall, directly or indirectly, accept or receive any gift, consideration, gratuity or reward, or any promise or undertaking to make the same: First, under any agreement that his vote, opinion, judgment or decision shall be given for any particular person, or in any particular manner, or upon any particular side, or more favorable to one side than the other, in any question, election, matter, cause or proceeding which may be pending or be brought before him in his official capacity, or that he shall neglect or omit to perform any official duty, or perform the same with partiality or favor, or otherwise than according to law; or, second, in consideration that he has given his vote, opinion, judgment or decision for any particular person, or in any particular manner, or upon any particular side, or more favorably to one side than the other, in any question, election, matter, cause or proceeding, or has neglected or omitted to perform any official act or duty, or performed such act or duty with partiality or favor, or in anywise contrary to law, shall be deemed guilty of bribery, and punished as prescribed in the next preceding section. (R. S. 1889, § 3717.)

**SEC. 2086. Bribing officer to appoint to office, etc.**—Every person who shall, directly or indirectly, give or engage to give any sum of money or other valuable consideration, gratuity or reward, to any officer: First, with intent to influence or induce such officer to give or procure for him or any other, by his act, interest, influence or other means whatever, any appointment, office or place of trust, or any preferment, or emolument, or assist, by any means whatsoever, to procure the same; or, second, in consideration of any office or appointment, preferment, or emolument, act, interest or influence, or any aid or assistance, in procuring or attempting to procure such appointment, office or place of trust, or any emoluments, shall, on conviction, be adjudged guilty of bribery, and punished by imprisonment in the penitentiary for a term not exceeding seven years. (R. S. 1889, § 3718—c.)

**SEC. 2087. Officer accepting bribe to make appointments, etc.**—Every officer who shall, directly or indirectly, accept or receive of another any sum of money or other valuable consideration, gratuity or reward, or any promise or security thereof: First, upon any agreement to give or procure by his act, interest or influence or other means, any appointment, office or place of trust, or any preferment or emolument; or to aid or assist in procuring the same for another person; or second, in consideration of any office or appointment, place or preferment, or emolument, or any act, interest or influence, aid or assistance, by any means, in procuring or attempting to procure any such appointment, office, place of trust, preferment or emolument, shall, on conviction, be adjudged guilty of bribery, and punished as prescribed in the next preceding section. (R. S. 1889, § 3719.)

**SEC. 2088. Accepting office procured by bribery.**—Every person who shall take, accept, receive or obtain, directly or indirectly, any office, appointment or place of trust, preferment or emolument, by the act, influence, aid or assistance of another, upon any agreement or consideration mentioned in either of the four preceding sections, and every person who shall take, accept or receive any aid or assistance in obtaining or attempting to obtain, or any promise or undertaking to procure such office, appointment, place of trust, preferment or emolument, for

himself or another, shall be deemed guilty of bribery, and punished in the same manner as if he had received money upon a like agreement or consideration. (R. S. 1889, § 3720.)

**SEC. 2089. Attempting to bribe officer in cases mentioned in preceding sections.**—If any person shall, by any of the means mentioned in the preceding sections of this article, or otherwise, offer or attempt to bribe any officer or other person, in any of the cases hereinbefore mentioned, he shall, on conviction, be punished by imprisonment in the penitentiary for a period not exceeding five years, or by imprisonment in the county jail for a term not exceeding one year and a fine not less than one thousand dollars. (R. S. 1889, § 3721.)

**SEC. 2090. Bribery to procure office.**—If any person shall, directly or indirectly, give or procure to be given, or engage to give, any money, gift or reward, or any office, place or employment upon any engagement, contract or agreement, that the person to whom, or to whose use, or on whose behalf, such gift or promise shall be made, shall, by himself or any other, procure or endeavor to procure the election of any person to any office, at any election by the electors, or any public body, under the constitution or laws of this state, the person so offending shall, on conviction, be adjudged guilty of bribery, and punished by imprisonment in the penitentiary for a term not exceeding five years. (R. S. 1889, § 3722.)

**SEC. 2091. Accepting bribe to procure office.**—Every person who shall, by himself or another, to his use or on his behalf, accept or receive any such money, gift or reward, office, place or employment, or any promise or security therefor upon any such engagement, contract or agreement as specified in the preceding section, shall be adjudged guilty of bribery, and shall forfeit the full amount of such money, gift or reward, and shall, moreover, be punished by imprisonment in the penitentiary for a term not exceeding five years. (R. S. 1889, § 3723.)

**SEC. 2092. Accepting bribe by voter.**—If any person who shall have or claim to have, a right to vote in any election authorized to be held by the constitution or laws of this state, shall ask, receive or take any money or other reward, by way of gift, loan or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or refuse or forbear to give his vote, in any such election, the person so offending shall, on conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3724.)

**SEC. 2093. Offering bribe to voter.**—If any person, by himself, or any person employed by him, shall, by any gift or reward, office or employment, or by any promise, agreement or security therefor, corrupt or procure, or attempt to corrupt or procure, any person who shall have or claim to have a right to vote at any election, to give or forbear to give his vote at such election, the person so offending shall, on conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3725.)

**SEC. 2094. Bidding for office.**—Any person, being a candidate for election to any office of honor, trust or profit, in this state, who shall offer or promise to discharge the duties of such office for a less sum than the salary, fees or emoluments of said office, as fixed by the laws of the state, or who shall promise to pay back or donate to any public or private interest any portion of such salary, fees or emoluments, as an inducement to voters at such election, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in a sum of

not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail for a period of not less than ten days nor more than six months, or by both such fine and imprisonment, and shall in addition forfeit the office to which he may have been elected at such election. (R. S. 1889, § 3726—d.)

**SEC. 2095. Selling office.**—Every person holding or exercising any office or public trust under the constitution or laws of this state who shall, for any reward or gratuity or any valuable consideration, paid or agreed to be paid, directly or indirectly, grant, bargain or sell such office or any deputation thereof, or grant the right or authority to discharge any of the duties thereof to another, shall on conviction be punished by imprisonment in the penitentiary not exceeding five years, or by imprisonment in a county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment. (R. S. 1889, § 3727.)

**SEC. 2096. Assessment of candidates.**—Any person or association of persons who shall assess, demand or receive, from any candidate for any state, county or municipal office, any sum or sums of money, or who shall attempt, carry out or participate in any fraud upon such candidate, in consideration of his or their influence, or for money, shall be deemed guilty of a misdemeanor, and adjudged guilty of a misdemeanor. Nothing herein shall be construed to prohibit candidates and others from voluntarily contributing influence and money for political purposes, or to prevent the regularly constituted campaign committees of political parties from making assessments for legitimate campaign expenses. (R. S. 1889, § 3728.)

**SEC. 2097. Buying office.**—Every person who shall give, or make any agreement to give, any money, property, right in action or other gratuity or reward, in consideration of any such bargain, grant or deputation of an office, or any part thereof, shall, upon conviction, be punished as prescribed in the last preceding section. (R. S. 1889, § 3729.)

**SEC. 2098. Preceding sections construed.**—Sections 2095 and 2097 shall not be construed to extend to the appointment of a deputy by any officer authorized by law to have a deputy, so that no gratuity or reward be paid or agreed to be paid for such deputation. (R. S. 1889, § 3730.)

**SEC. 2099. Grant of office void.**—Every grant or deputation of office made contrary to the foregoing provisions shall be void; but all official acts done before conviction under this law by any deputy of an officer authorized to make such appointment shall be valid. (R. S. 1889, § 3731.)

**SEC. 2100. Oppression in office.**—Every person exercising or holding any office of public trust who shall be guilty of willful and malicious oppression, partiality, misconduct or abuse of authority in his official capacity or under color of his office, shall, on conviction, be deemed guilty of a misdemeanor. (R. S. 1889, § 3732—e.)

**SEC. 2101. Fraud in office.**—Every officer or public agent of this state, or of any county, who shall commit any fraud in his official capac-

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(d) Unlawful for candidate for office to offer to perform duties of office for less than fees allowed by law. 72 Mo. 13.

(e) Indictment, 74 A. 313. Conduct of officer must be shown to be willful and corrupt. 2 Mo. 23; 8 Mo. 148, 254; 41 Mo. 210; 50 Mo. 362, 419; 22 Mo. 318; 57 Mo. 243; 122 Mo. 355; 119 Mo. 383; 63 A. 620; 59 A. 590; 31 A. 57; 74 A. 313.

ity or under color of his office, shall be adjudged guilty of a misdemeanor. (R. S. 1889, § 3733—f.)

**SEC. 2102. Conviction, effect of.**—Every person who shall be convicted of any of the offenses mentioned in the preceding sections of this article shall be forever disqualified from holding any office of honor, trust or profit under the constitution and laws of this state, and from voting at any election; and every officer who shall be convicted of any official misdemeanor or misconduct in office, or of any offense which is by this or any other statute punishable by disqualification to hold office, shall, in addition to the other punishment prescribed for such offenses, forfeit his office. (R. S. 1889, § 3734.)

**SEC. 2103. Exacting illegal fees.**—Every officer who shall, by color of his office, unlawfully and willfully exact or demand or receive any fee or reward to execute or do his duty, or for any official act done or to be done, that is not due, or more than is due, or before it is due, shall, upon conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3735—g.)

**SEC. 2105. Punishment for misdemeanor in office.**—Every officer or person holding any trust or appointment, who shall be convicted of any willful misconduct or misdemeanor in office, or neglect to perform any duty enjoined on him by law, where no special provision is made for the punishment of such misdemeanor, misconduct or negligence, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. (R. S. 1889, § 3737—h.)

**SEC. 2108. Usurping office.**—If any person shall take upon himself any office or public trust in this state, and exercise any power to do any act appertaining to such office or trust, without a lawful appointment or deputation, he shall, upon conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3740.)

**SEC. 2110. Intimidating voters.**—If any person, by menaces, threats or force, or by any other unlawful means, either directly or indirectly, attempt to influence any qualified voter in giving his vote, or to deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at any election held under the constitution or laws of this state, the person so offending shall, on conviction thereof, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3742.)

**SEC. 2111. Defrauding voters.**—Any person who designedly gives a printed or written ticket to any qualified voter of this state, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his known wishes, shall, on conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3743.)

**SEC. 2112. Circulating fraudulent tickets.**—Any person who shall cause to be printed and circulated or who shall circulate any false and fraudulent tickets, which upon their face appear to be designed as a fraud upon voters, shall, upon conviction, be deemed guilty of a misdemeanor. R. S. 1889, § 3744.)

**SEC. 2113. Importing fraudulent voters.**—Any person who shall

(f) Indictment. 24 A. 227; 119 Mo. 383; 122 Mo. 355; 68 Mo. 179.

(g) Indictment. 62 A. 33. Statute construed. 45 Mo. 492; 119 Mo. 383. Extortion by constable. 47 Mo. 416. St. Louis court of criminal correction has no jurisdiction of this offense. 45 Mo. 492.

(h) 119 Mo. 383; 59 A. 590.

bring into this state any person or persons resident in another state, with intent that such person so imported shall vote at any election within this state before they shall possess the requisite qualifications, shall, on conviction, be adjudged guilty of a misdemeanor. (R. S. 1889, § 3745.)

**SEC. 2114. Fraudulent voting.**—Every person who shall, at any election held in pursuance of the laws of this state, or of any city or other municipality thereof, vote more than once, either at the same or a different place, or shall knowingly cast more than one ballot, or shall vote at any such election knowing that he is not a qualified voter and is not entitled to vote, and every person who shall knowingly advise or procure any person to vote who is not entitled to vote, or shall knowingly advise or procure any illegal vote to be cast at any such election, shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in the penitentiary not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by a fine of not less than fifty dollars, or by both such fine and imprisonment. (R. S. 1889, § 3746—i.)

**SEC. 2115. Attempt to cast illegal vote.**—Every person who shall attempt to vote at any election held in pursuance of the laws of this state, or in any city or other municipality thereof, knowing that he is not entitled to vote at such election, shall be deemed guilty of a misdemeanor. (R. S. 1889, § 3747.)

**SEC. 2116. Fraud by judges and clerks of election.**—If any judge or clerk of any election authorized by law, or any other person, shall willfully and knowingly receive and place in the ballot-box, or aid, assist or assent to the placing in any ballot-box, any ballot, or paper purporting to be a ballot, which is not legally voted by a qualified voter at such election, or shall illegally, willfully and fraudulently abstract, or aid in or assent to the abstraction, from any ballot-box any legal ballot for the purpose of changing the lawful result of any election, or shall in any manner willfully influence or attempt to influence any person to do any of the acts aforesaid, or to omit to do any lawful act required by him in relation to any election, or shall in any manner illegally, willfully and fraudulently change or attempt to change, or induce any other person to change, the true and lawful result of any election, by any act to be done either before, at the time of or after such election, by a wrong count of the ballots, by changing the true returns or making a false return thereof, or by changing the figures of the returns after they are made up, either before or after the returns are duly made, or in any other manner except in pursuance of law or the order of a court, every person offending against any of the provisions of this section shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or by imprisonment in the county jail not less than three months, and by a fine not less than one hundred dollars, or by both such fine and imprisonment, and shall also be forever prohibited from voting at any election and from holding any office or position of trust or emolument under authority of this state, or any department thereof, or of any county, city or town therein, either by election or appointment, or as clerk or employe. (R. S. 1889, § 3748—j.)

**SEC. 2117. Fraud in casting up returns.**—Any person who may be authorized by law to receive, canvass or count the poll-books, tally-lists or election returns of any election authorized by law, who shall

(i) 132 Mo. 297.

(j) Indictment must aver that defendant was a judge or clerk. 134 Mo. 282, 275.

willfully and knowingly receive, canvass and count, or assist therein, any poll-books, tally-lists or election returns which are fraudulent, forged, counterfeited, or shall falsely and fraudulently make an incorrect and false account of any election returns, with intent to defeat a fair expression of the popular will, and any person or persons whose duty it may be to grant certificates of election, or in any manner declare the result of any election held by authority of law, who shall grant a false certificate, or declare the result of any election based upon fraudulent, fictitious or illegal votes or returns, with intent to defeat a fair expression of the popular will, or to deprive any person duly elected of his office, shall be deemed guilty of a felony, and upon conviction, be punished as prescribed in the next preceding section. (R. S. 1889, § 3749.)

**SEC. 2118. Neglect of judges and clerks to perform duty.**—If the judges and clerks of any election, or any of them, shall willfully neglect, refuse or omit to perform any duty enjoined or required of them by law with respect to holding and conducting such election, receiving and counting out the ballots and making proper return thereof, or shall inspect or read any ballot voted, or disclose the name or names of any of the candidates or persons voted for by any voters at such election, shall be deemed guilty of a misdemeanor. (R. S. 1889, § 3750—k.)

**SEC. 2120a. Refusing to give information to clerk or canvasser of election.**—If any person shall refuse to give to any canvasser or clerk of election required by any law of this state to canvass any election precinct, any information known to him and asked of him by such canvasser or clerk; or shall willfully make a false answer to any such canvasser or clerk touching (such required information) such required information, such person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not more than thirty days. (Laws 1903.)

**SEC. 2120b. Canvasser or clerk refusing to continue canvass, etc.**—Any clerk or canvasser appointed to canvass any election precinct, pursuant to any law of this state, who shall willfully fail to appear, or shall willfully refuse to continue, or shall willfully abandon said canvass, shall be deemed guilty of a misdemeanor and on conviction shall be punished by imprisonment for not less than one month nor more than one year in the city or county jail. (Laws 1903.)

**SEC. 2120c. Canvasser or clerk who willfully neglects to transfer or check names or mail notices.**—If any clerk or canvasser of any election precinct, whose duty it is under any law of this state to transfer the names of voters from the register of voters to the verification lists furnished him by any board of election commissioners; or to check the name of any person on said verification lists transferred from the register as aforesaid and not found by canvass (by) [in] said election precinct at the place designated on said verification lists; or to mail the notice or notices required by law to all the parties so checked; or to leave such notice or notices at the place designated for such person so designated [or] shall willfully neglect to perform any of said duties, he shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120d. Canvasser or clerk refusing to perform duties.**—If any clerk or canvasser of any election precinct appointed under any law of this state shall willfully neglect to perform his duties in making such canvass he shall be deemed guilty of a felony and upon conviction

shall be punished by imprisonment not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120e. Voter signing application to have name erased from register without cause.**—It shall be a felony, punishable upon conviction by imprisonment for not less than two years nor more than five years, for any voter or voters to sign any application to have erased any name lawfully upon any register of voters required by law to be made, unless the person signing such application had then cause to fairly justify him in the belief that the name ought to be erased from such register. (Laws 1903.)

**SEC. 2120f. Judge or clerk willfully absent from polls—willful detention of register or poll-book.**—Any judge or clerk of any election precinct who shall willfully absent himself from the polls on election day, without good cause, shall be deemed guilty of a misdemeanor and upon conviction shall be fined five hundred dollars; and if any such judge or clerk of election shall willfully detain any register or poll-book or ballot and not cause it to be produced at the polling place at the opening of the polls, or for fifteen minutes thereafter, he shall be guilty of a misdemeanor, and upon conviction be imprisoned not less than three months nor more than one year; or fined not less than two hundred dollars, nor more than one thousand dollars. (Laws 1903.)

**SEC. 2120g. Ballot-box to be kept in view.**—The judges of any election precinct shall each be held guilty of a misdemeanor, and upon conviction be fined five hundred dollars if the ballot box in said election precinct shall not be kept constantly in public view during the progress of the election, unless it shall be shown by a judge that he protested against such obstruction of the view of the ballot-box and was overruled by a majority of the judges, in which case, the judge so protesting shall not be guilty of such misdemeanor; and where demand has been made on either of said judges to remove such obstruction and he shall fail to remove the same and shall not protest against such obstruction and be overruled by a majority of the judges, he shall upon conviction be further liable to be imprisoned in jail not less than six months nor more than one year. (Laws 1903.)

**SEC. 2120h. Failure of judge or clerk to qualify or act.**—Any person being qualified to act as judge or clerk of election and having no legal exemption or physical disability preventing him from appearing before the board of election commissioners, or county clerk, who may be appointed judge or clerk, and who, upon due notice to appear and qualify before such board of election commissioners, or county clerk, shall fail so to do, or who, having qualified, shall fail to act as judge or clerk at any election for which he was appointed and qualified, unless prevented from service by illness, or unless removed, or excused by the commissioners or county clerk for other sufficient cause, shall be guilty of a misdemeanor, and upon conviction thereof be punished by imprisonment in the city or county jail not less than three months nor more than six months. But if his failure to qualify or serve was with intent that some unsuitable person should be appointed and act in his stead, to the end that the election in the precinct for which he was appointed should be unfairly conducted, then he shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120i. Judge or clerk failing to deliver ballot-box, etc., to**

**commissioners.**—The said election commissioners, or county clerk, upon the receipt of any ballot-box containing any ballots cast at any election and key thereto, shall note the condition of seal or stamp on said box, and enter the fact touching the same upon a book kept by them, together with the name of the judge who returns such ballot-box and the name of the judge who returns said key; he shall thereupon open said ballot-box and remove the poll-books containing the returns of the votes cast, and note upon the book their condition and put them in a secure place under lock and key, to which the public, in no event, shall have access. If any judge or judges or clerks taking ballots, ballot-boxes, statement, tally or poll-books, to be delivered to the election commissioners, or county clerk, shall fail to deliver the same to said election commissioners or county clerk with all reasonable speed, in no event to be more than two hours after the close of the canvass of the votes as aforesaid where the ballots, ballot-boxes, statement, tally or poll-books are to be delivered to a board of election commissioners, or shall fail or refuse to comply with the provisions of this article, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than five hundred dollars, or imprisoned for not more than six months or by both such fine and imprisonment. (Laws 1903.)

**SEC. 2120j. Crimes connected with registration, a felony.**—Any person who shall impersonate a voter or other person, or who shall register, or attempt or offer to register under any name not his own, or who shall fraudulently register, or offer, or attempt to register in or under the name of any other person, or in or under any assumed or fictitious name, or in or under any name not his own, or shall register in two election precincts; or having registered in one precinct, shall attempt to register in another, or shall knowingly, by false personation or otherwise, cause or procure, or attempt to procure the name of any qualified voter in any election precinct to be erased or stricken from any registry of voters in such precinct, made in pursuance of law; or by force, threat, menace, intimidation, bribery, reward or offer or promise thereof, or other unlawful means, prevent, hinder or delay any person having a legal right to register or to be registered, from duly exercising such right; or who shall solicit, counsel or induce by unlawful means, any officer of registration to register any person not entitled to registration in such precinct; or shall fraudulently register or attempt or offer to register in any election precinct not having a lawful right to register therein, or shall wilfully or knowingly do any unlawful act to secure registration for himself or any other person; or any person who shall attempt to register, or register under any assumed, false or fictitious name, or any name of any person except as provided by law; or shall knowingly or willfully or fraudulently interfere with, hinder or delay any judge of election or other officer of registration, in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such judge or other officer to refuse or neglect to comply with or perform his duties, or to violate any law prescribed for regulating the same; or shall aid, counsel, procure, solicit or advise any voter, person, judge of election or other officer of registration, to do any act by law forbidden, or constituted an offense, or omit to do any act by law directed to be done; or any person who shall approach within one hundred yards of any polling place during the time any election therein is being conducted or the votes therein being canvassed or returned, carrying concealed or deadly weapons, or who shall

then and there exhibit the same for the purpose of intimidating any voter, or display any deadly weapon or make use of the same; or if any judge or clerk of election shall, at any registration of voters, knowingly and willfully misspell the name of any person who applies to register when he writes said name upon the registry book, or shall write therein a name other than the one given to him by the applicant, instead of said name, or shall under the column "Residence" on the line with any applicant's name enter any street or number other than that given by said applicant, or shall fail or neglect to enter in said column the street and number and the designation of the house or room, as given him by said applicant; every such person, upon conviction thereof, shall be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120K. Crimes connected with exercise of suffrage, a felony.** Any person who shall falsely impersonate a voter or other person, and vote, or attempt or offer to vote in or upon any name not his own, or shall vote, or attempt to vote, in or upon the name of any other person living or dead, or in or upon any assumed or fictitious name, or in or upon any name not his own; or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office except as authorized by law; or shall vote, or attempt or offer to vote in any precinct without having a lawful right to vote therein; or vote more than once, or vote in more than one election precinct; or having voted once, shall vote, or attempt to vote again; or shall knowingly, willfully or fraudulently do any unlawful act to secure the right or opportunity to vote for himself or for any other person to vote; or shall by force, threat, menace, intimidation, bribery or reward, or offer, or promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any voter in giving his vote; or prevent or hinder, or attempt to prevent or hinder, any voter from freely exercising the right of suffrage; or by any such means induce, or attempt to induce, any such voter to exercise any such right, or shall, by such means or otherwise compel or induce, or attempt to compel or induce, any judge of election or other officers of election, to receive the vote of any person not legally qualified or entitled to vote at the said election in such precinct; or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any judge of election, poll clerk or other officer of election in the discharge of his duties; or by any such means or other unlawful means knowingly, willfully or fraudulently, counsel, advise, induce or attempt to induce any judge of election, poll clerk or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, or other false evidence in relation thereto; or to refuse or neglect to comply with his duties, or to violate any law regulating the same; or to receive the vote of any person in any election precinct not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein; or shall aid, counsel, advise, procure or assist any voter, judge, or other officers of the election, or any person whomsoever to do any act by law forbidden, or constituted an offense; every such person shall, upon conviction thereof be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than two years nor more than five years. (Laws 1903—*a.*)

**SEC. 21201.** **False canvass of precinct or making false returns of election or defacing or destroying records, a felony.**—Every election commissioner, deputy election commissioner, judge of election, clerk, canvasser or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election in any precinct, or in any city or county, who shall make any false canvass of such votes; or shall knowingly or willfully neglect to make a canvass of any election precinct as required by the provisions of this statute, or shall knowingly or willfully make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, or who shall deface, destroy or conceal any statement, tally or other certificate entrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and be punished by imprisonment in the penitentiary not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120M.** **Stuffing ballot-box, a felony.**—If any person other than a judge of election shall at any such election knowingly or willfully put or cause to be put any ballot into any box used at such election for the reception of ballots; or if any judge of election shall knowingly and willfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have commenced; or shall knowingly and willfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have commenced; or shall knowingly, willfully or fraudulently put any ballot or other paper having the semblance of a ballot or cause or permit any ballot or other paper having the semblance of a ballot to be put in any such box at any such election, unless the same shall be offered by a voter and his name shall have been found and kept on the registry as provided by some law of this state or who shall be entitled to vote under some law of this state; or if any such judge of election or other officer or person shall during the canvass of the ballots in any manner (charge) [change], substitute or alter any ballot taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed; or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed; every such person shall, upon conviction, be adjudged guilty of a felony, and punished by imprisonment in the penitentiary not less than two years nor more than five years. (Laws 1903.)

**SEC. 2120N.** **Breach of the peace, threat or violence at registration or election, a misdemeanor.**—If, at any registration of voters, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly conduct, violence or threats of violence whereby any such registration, revision, election or canvass shall be impeded or hindered; or whereby the lawful proceedings of any judge of election, or board of registration, or clerk, or other officer of such election, or challenger, or persons designated to be present at the canvass of any ballot as herein provided, are interfered with; every such person shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by imprisonment not less than thirty days nor more than one year. (Laws 1903.)

**SEC. 2120O.** **Electioneering by election officers, a misdemeanor.**—It shall be unlawful for any judge of election, clerk or person designated as a challenger under any laws of this state, or any person or persons

within the polling place, to electioneer for any candidate, party or proposition. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment not less than ten days nor more than ninety days, or by a fine of not less than fifty dollars nor more than one hundred dollars. (Laws 1903.)

**SEC. 2120P. Failure to give reason for refusing to sign registry books, etc., a misdemeanor.**—Any judge or clerk who shall fail to sign and deliver to the board of election commissioners or county clerk, the statement required by law of his reason why he refuses to sign the registry books, and other books, blanks and forms required, or the election returns of his precinct, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the city or county jail not less than ten days nor more than thirty days.

## OFFENSES AGAINST PUBLIC ORDER OR PUBLIC PEACE.

### CHAPTER 15—ARTICLE VII.

**SEC. 2139. Mayor may issue proclamation.**—Any mayor or chief magistrate of any town or city, being apprehensive of a riot or riotous assemblage within such town or city, may, by proclamation, require all minors to keep within doors for any length of time not exceeding three days, during that period of each astronomical day of twenty-four hours which intervenes between the end of one hour after sunset and the beginning of one hour before sunrise; and all minors offending against such proclamation may be forthwith arrested, and on conviction may be imprisoned in the house of correction of such city, or other safe place of confinement, to be prescribed by ordinance of such city, for a period not exceeding thirty days. (R. S. 1889, § 3771.)

**SEC. 2140. Special deputies, etc., to be residents of this state.**—That no sheriff of a county, mayor of a city, or other private persons, authorized by law to appoint special deputies, marshals or policemen, in this state, to preserve the public peace, and quell public disturbances, shall hereafter appoint as such special deputies, marshals or policemen, any person who is not a resident of this state, and has been a resident of this state for at least three years prior to his appointment. (New section.)

**SEC. 2141. Persons not to be imported to perform duties of sheriffs, marshals, etc.**—That it shall be unlawful for any person, company, association or corporation, to bring or import into this state any person or persons, or association of persons, for the purpose of discharging the duties devolving upon sheriffs, deputy sheriffs, policemen, constables or peace officers, in the protection or preservation of public or private property, or in the punishment of any person violating the criminal laws of this state. (New section.)

**SEC. 2142. Penalty for impersonating officer.**—That any person or persons who shall, in this state, without the authority, exercise or attempt to exercise the functions of, or hold himself or themselves out to any person or persons, company, association or corporation as a deputy sheriff, marshal, policeman, constable or peace officer, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, be punished by imprisonment for not less than three months, nor more than one year. (New section.)

**SEC. 2143. Penalty for violation of section 2141.**—That any per-

son, company, or corporation, guilty of violating any of the provisions of section 2141 of this article shall be liable to a penalty of ten thousand dollars, to be recovered in the name of the state, for the use of the school fund of the county where such private armed detective forces were used, by such persons, or corporations; and the person, officer or agent employing such private detectives, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by imprisonment at hard labor for not less than one year, nor more than five years; and every day that private armed detective forces are employed, or used, shall be considered a separate and distinct offense: *Provided, however,* that nothing contained in this article shall prevent the governor of this state from appointing a citizen of another state to serve a warrant issued on a requisition from the governor of another state. (New section.)

**SEC. 2144. Importation of armed men for police duty in this state, prohibited.**—It shall be unlawful for any person or persons, company, association or corporation to bring or import into this state any person or persons, or association of persons, for the purpose of discharging the duties devolving upon the police officers, sheriffs or constables in the protection or preservation of public or private property. (R. S. 1889, § 3772.)

**SEC. 2145. Sheriff to appoint none but citizens deputy, etc.**—Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff except the person so appointed shall be, at the time of his appointment, a *bona fide* resident of the state. (R. S. 1889, § 3773.)

**SEC. 2146. Mayor and police authorities can appoint none but citizens.**—The mayor, chief of police and members of the board of police commissioners of any city in this state shall be governed by the same restrictions and subject to the same penalties as a sheriff of any county, under the provisions of this article. (R. S. 1889, § 3774.)

**SEC. 2147. Punishment for bringing armed men into the state.**—Any person or persons violating any of the provisions of section 2144 of this article shall be punished by imprisonment in the penitentiary for not less than two years nor more than five years; and if any company, association or corporation shall be guilty of violating this article, said company, association or corporation shall be punished by a fine of not less than one thousand dollars. (R. S. 1889, § 3775.)

**SEC. 2148. Punishment for appointing any but citizens for police duty.**—Any sheriff of any county, or mayor, chief of police or member of the board of police commissioners of any city, now holding office or hereafter elected to any such office, who shall knowingly violate any of the provisions of this article, as set forth in sections 2145 and 2146, shall be punished by imprisonment in the county jail for not less than three months nor more than one year. (R. S. 1889, § 3776.)

**SEC. 2149. Mayor may have dramshops closed.**—The mayor or chief magistrate of any town or city in this state may, by proclamation, cause all drinking shops, bars and other places where intoxicating liquors or drinks are customarily sold, given or dispensed, to be closed for any period of time not exceeding thirty-six hours, upon any election for officers of the city, town, state, county or of the United States, and may also, by proclamation, forbid all persons to sell, give, lend, barter or otherwise dispense or distribute intoxicating drinks or liquors during the same period of time within such town or city, or within one mile of its corporate limits; and any person disobeying such proclamation, and

each and every person aiding, abetting or co-operating with him, shall be deemed guilty of a misdemeanor. (R. S. 1889, § 3777.)

**SEC. 1862. Carrying deadly weapons, etc.**—If any person shall carry concealed upon or about his person any deadly or dangerous weapon, or shall go into any church or place where people have assembled—for religious worship, or into any school-room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court-room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under the militia law of the state, having upon or about his person any kind of fire-arms, bowie-knife, dirk, dagger, slung-shot or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated, or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than six months, or by both such fine and imprisonment. (R. S. 1889, § 3502—l.)

**SEC. 1863. Above section not to apply to certain officers.**—The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to persons moving or traveling peaceably through the state, and it shall be a good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his person, home or property. (R. S. 1889, § 3503—m.)

**SEC. 2211. Betting on election.**—Every person who shall bet or wager any money or other valuable thing on the result of any election authorized by the constitution and laws of the United States or of this state, or on any vote to be given at such election, or who shall knowingly become stakeholder of any such bet or wager, shall be punished by fine not exceeding fifty dollars. (R. S. 1889, § 3824—n.)

## PRESIDENTIAL ELECTORS.

### CHAPTER 95.

**SEC. 6616. Electoral districts.**—Hereafter, at all elections held in this state for the offices of president and vice-president of the United States, the electoral districts shall be the same as the congressional districts into which the state shall be divided, and the same number of electors as there may be districts shall be chosen by the qualified voters,

(l) Act constitutional. 74 Mo. 528; 90 Mo. 302. Deadly weapon, information. 81 Mo. 514; 20 A. 397, 629; 49 A. 270; 47 A. 603; 24 A. 410, 413; 45 A. 94. Fire-arms, officer. 84 Mo. 177; 25 A. 133; 49 A. 445. Defense. 30 A. 633; 52 A. 609. Carrying for sport or to deliver to owner no offense. 39 A. 47, 127; 138 Mo. 233; 70 A. 143.

(m) 47 A. 605; 124 Mo. 397.

(n) 24 Mo. 353; 356; 22 Mo. 459.

one of whom shall be a resident of each district; and in addition thereto, two electors shall be chosen by the state at large. (R. S. 1889, § 2358.)

**SEC. 6619. Election of electors.**—The qualified voters in each of said districts shall meet at their respective places of holding elections on the first Tuesday after the first Monday of November in the year one thousand eight hundred and eighty, and on the first Tuesday after the first Monday of November every four years thereafter, unless the congress of the United States shall appoint a different day; and in that case, on such day as the said congress shall appoint, and shall proceed to elect as many fit persons as the state shall then be entitled to elect, as electors of president and vice-president, one of whom shall be a resident of each district. (R. S. 1889, § 2361.)

**SEC. 6620. How conducted.**—The election shall be conducted by the judges who may have been appointed to hold the general election for the same year, and under the same regulations and have the public notice thereof given by the sheriff in each county as is or may be required by law regulating such general elections. (R. S. 1889, § 2362.)

**SEC. 6621. Returns, how certified.**—It shall be the duty of the judges of such elections in the different townships to make returns thereof to the clerks of the county courts of their respective counties, within two days after such election, which clerks shall, within eight days after they receive such returns, certify and transmit the same to the governor, by delivering them into the nearest postoffice on the most direct route to the seat of government. If there shall be a failure to receive any of the returns at the seat of government for one mail after the same is due, the secretary of state may dispatch a messenger to the county not returned, with directions to bring up said returns to the governor. (R. S. 1889, § 2363.)

**SEC. 6622. Governor to cast up votes, etc.**—The governor, on receipt of the certificates from the several counties in each district which he may have received within fifteen days after the day of election, shall immediately add up the vote from the several counties, and the person residing in any one district having the highest number of votes given in the state for any one person residing in the same district, shall by him be declared duly elected elector for said district. (R. S. 1889, § 2364.)

**SEC. 6623. Tie vote, how determined.**—If two or more persons, residing in one district shall have an equal number of votes given in the state, as aforesaid, and more than any other person residing in the same district, the governor shall immediately notify the general assembly thereof, and such election shall be determined by joint vote of both houses of the general assembly, by choosing one of the persons so having an equal number of votes. (R. S. 1889, § 2365.)

**SEC. 6624. Governor to notify electors.**—It shall be the duty of the governor, at the expense of the state, in all cases to immediately notify the persons chosen of their election, as soon as the same shall have been ascertained, agreeably to the provisions aforesaid. (R. S. 1889, § 2366.)

**SEC. 6625. Contested elections.**—All contested elections for electors shall be determined by joint vote of both houses of the general assembly, and the proceedings in contesting such election shall be the same in all respects, as in contested elections for governor. (R. S. 1889, § 2367.)

**SEC. 6626. List of electors to be delivered, etc.**—The governor shall, on or before the meeting of such electors, cause three lists of the names of such electors to be made and delivered to them, as required by

act of congress. The persons employed in giving the notices, or conveying the returns aforesaid, shall be allowed five cents for every mile such person may travel in going and returning in the performance of any of the services aforesaid, to be audited and paid as other claims. (R. S. 1889, § 2368.)

**SEC. 6627. Compensation of electors.**—The electors shall receive for their services the same compensation as the members of the general assembly, and the governor shall audit their accounts and grant them certificates for the amounts ascertained to be due, which certificates shall be sufficient vouchers to authorize the state auditor to draw his warrant for the amount, which shall be paid out of the state treasury as other demands. (R. S. 1889, § 2369.)

**SEC. 6628. Elector failing to attend, place, how supplied.**—If any of the electors appointed under this chapter shall fail to attend at the seat of government by the hour of two o'clock in the afternoon of the day appointed by act of congress for their meeting, then the electors present may appoint other persons to act as electors in the place of those absent; and if there be a failure to elect, the electors attending at such time and place shall appoint some suitable person or persons, as the case may be, to fill the vacancy or vacancies existing by reason thereof. (R. S. 1889, § 2370.)

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## MEMBERS OF THE GENERAL ASSEMBLY.

### CHAPTER 123—ARTICLE I.

**SEC. 8382. Certificate of election of senator.**—In all senatorial districts, composed of two or more counties, the clerks of all the counties shall transmit to the clerk of the county first named in said district, within twelve days after such election, a certificate, under their hands, of the number of votes given for each candidate in each respective county; and the clerk of the county in which any candidate resides, if such candidate shall produce to him the tax collector's receipt for the payment of a state and county tax within one year next preceding such election, shall certify to the clerk of the county first named that such candidate has paid such tax, as appears from the receipt of the tax collector of such county; and the clerk of the county to which such return shall be made, after examination of the same, shall certify the result to the secretary of state, and give to the person having the highest number of votes a certificate of his election under the seal of his office; and if it appears from the certificate of the clerk of the county in which such person resides, that such person so elected has paid a state and county tax within one year next preceding his election, the clerk of the county to which such return is made shall further certify that such person so elected has paid such tax as appears from the certificate of the clerk of \_\_\_\_\_ county, Missouri, and give such certificate to the person so elected. (R. S. 1889, § 6622.)

**SEC. 8383. Certificate of election of member of house.**—When any person shall have been elected as a member of the house of representatives of the general assembly of the state of Missouri, the county clerk of the county which such person was elected to represent, if the person so elected shall produce to him the tax collector's receipt for the

payment of a state and county tax within one year next preceding his election, shall include in the certificate of election which he is required by law to give to such person so elected, a certificate setting forth that such person has paid such tax as appears from the receipt of the tax collector of such county. (R. S. 1889, § 6623.)

**SEC. 8387. Governor shall issue writs of election, when.**—Whenever the governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either house, during the recess, he shall, without delay, issue a writ of election to supply such vacancy. (R. S. 1889, § 6627.)

**SEC. 8388. Writs of election, how directed.**—When any vacancy shall happen in the senate, for a district composed of more than one county, the writ of election shall be directed to the sheriff of the county first named in the law establishing the district; and when such vacancy shall happen in a senatorial district, which shall have been divided or altered after the general election next preceding the occurrence of such vacancy, the writ of election shall be directed to the sheriff of the county first named in such old district; and when any vacancy shall happen in either house, for any county which shall have been divided after the general election next preceding the occurrence of such vacancy, the writ of election shall be directed to the sheriff of the old county. (R. S. 1889, § 6628.)

**SEC. 8389. Duty of the sheriff on receipt of writ.**—The sheriff to whom any writ of election shall be delivered shall cause the election to supply such vacancy to be held within the limits composing the county or district at the time of the next preceding general election, and shall issue his proclamation or notice for holding the election accordingly, and transmit a copy thereof together with a copy of the writ, to the sheriff of each of the counties within which any part of such old county or district may lie, who shall cause copies of such notice to be put up, and the election to be held accordingly, in such parts of their respective counties as composed a part of the old county or district for which the election is to be held, at the last preceding general election; and the returns shall be made and the certificate of election granted in all things as if no division had taken place. (R. S. 1889, § 6629.)

**SEC. 8390. New district entitled to hold election, when.**—When any district or county shall be so altered or divided during the term for which a member shall be elected, and the new district or county shall be authorized to elect their members before the expiration of the term of the former member, in that case the election to fill the vacancy shall be held for the district or county as it shall remain after such alteration or division, and not as it was at the last preceding general election. (R. S. 1889, § 6630.)

#### COUNTY AUDITOR.—LAWS 1901.

**SECTION 1. Office of county auditor created.**—The office of county auditor is hereby created in all counties in this state in which there is a city now containing or which may hereafter contain fifty thousand inhabitants and less than one hundred and fifty thousand inhabitants.

**SEC. 2. Election—term of office—commission.**—At the general election in the year 1902, and every four years thereafter, a county

auditor shall be elected by the qualified voters of such counties, who shall be commissioned by the governor and shall enter upon the discharge of his duties on the first Monday in January next ensuing his election, and shall hold his office for the term of four years, and until his successor shall be duly elected and qualified, unless sooner removed from office; and when any vacancy shall occur in the office by death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor to fill such vacancy by appointing some eligible person to said office, who shall discharge the duties thereof until the next general election, at which time an auditor shall be chosen for the remainder of the term, who shall hold his office until his successor is duly elected and qualified, unless sooner removed.

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## RAILROAD AND WAREHOUSE COMMISSIONERS.

### CHAPTER 12—ARTICLE IV.

**SEC. 1198. Railroad commissioners—election, qualifications.**—The governor shall, immediately after the passage of this act, and before the adjournment of the present general assembly, by and with the consent of the senate, appoint three railroad commissioners, who shall hold their office until the first day of January, 1877, and until their successors are elected and qualified. and at the general election to be held in 1876, there shall be elected by the qualified voters of the state three railroad commissioners, one of whom shall be elected for two years, and one of whom shall be elected for four years, and one of whom shall be elected for six years; and at each general election, every two years thereafter, there shall be one railroad commissioner elected, who shall hold his office for six years, and until his successor is elected and qualified. But no person owning any bonds, stocks or other property in any railroad company, or in the employ of any railroad or transportation company, or in any way or manner personally interested therein, shall be so appointed or elected; and provided, that the governor shall fill by appointment all vacancies that may occur in the board of railroad commissioners by death, resignation or removal from office; but no such appointment shall be for a longer time than till the next general election thereafter. (R. S. 1889, § 2678.)

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## ASSESSORS.

### CHAPTER 149—ARTICLE II.

**SEC. 9137. Election of assessor.**—At the general election in the year one thousand nine hundred, and every four years thereafter, there shall be elected by the qualified voters of the several counties in this state a county assessor, who shall hold his office for a term of four years, and until his successor is elected and qualified, unless sooner removed from office; and no person elected to said office of assessor shall hold said office more than two successive terms: *Provided*, that this section shall not apply to the city of St. Louis. (Laws 1895, p. 41, amended—o.)

**SEC. 9138. Certificate of election.**—The clerks of the respective county court shall deliver to the persons elected or appointed as provided in this article, immediately after their election or appointment, a certificate thereof, under the seal of their respective county courts. (R. S. 1889, § 7525.)

**SEC. 9139. Term of office.**—Assessors elected under the provisions of this chapter shall enter upon the discharge of their duties on the first day of June next after they shall have been elected, and shall hold their offices for the term of two years, and until their successors are elected and qualified. (R. S. 1889, § 7526—p.)

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## CLERKS OF COURTS OF RECORD.

### CHAPTER 7.

**SEC. 513. Election—term of office—commission.**—At the general election in the year eighteen hundred and eighty-two, and every four years thereafter, except as hereinafter provided, the clerks of all courts of record, except of the supreme court, the St. Louis court of appeals, and except as otherwise provided by law, shall be elected by the qualified voters of each county and of the city of St. Louis, who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first Monday in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office. (R. S. 1889, § 1963—q.)

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## PROBATE CLERKS.

### CHAPTER 91—ARTICLE X.

**SEC. 6244. Probate clerk elected in cities of 300,000 inhabitants or over—bond—oath, etc.**—In all cities now having or which may hereafter have a population of three hundred thousand inhabitants and over, there shall be elected at the general election in the year 1898, and every four years thereafter, an officer, to be known as the probate clerk, whose official term shall commence on the first day of January next after election. Said officer shall, before entering upon the discharge of his duties, make and subscribe an oath before the city register of such cities that he will support the constitution of the United States and of the state of Missouri, and that he will faithfully discharge all the duties of the office of probate clerk; and shall also execute a bond to the city within which he shall be elected, in the penal sum of ten thousand dollars, with two or more solvent sureties, to be approved by the judge of probate of such cities, conditioned for the faithful performance of the duties of probate clerk, the collection and accounting for all fees allowed the probate judge or probate court of the city within which he shall have been elected, which oath and bond shall be filed in the office of the register of such cities. The city or any person injured may maintain suit on said bond in like manner as suit may now be maintained on other office bonds. (Laws 1897, p. 82.)

(p) See Sec. 9137.

(q) Uniformity in term of office, St. Louis. 94 Mo. 117; 40 A. 406.

## CONSTABLES.

## CHAPTER 9.

**SEC. 877. Election and official term.**—At the general election to be held in 1890, and each general election every two years thereafter, the qualified voters of each township in every county in this state shall elect a constable, who shall be a resident of the township for which he is elected, and who shall hold his office for two years and until his successor be elected and qualified: *Provided*, that in townships that now contain or may hereafter contain a city of over one hundred thousand and less than three hundred thousand inhabitants, and which has been or may hereafter be divided into justice of the peace districts, the constabulary districts of said township shall be made to conform to and be co-extensive with such justice districts; the county court shall appoint an additional constable for each of said districts, who shall, in addition to his other qualifications as herein provided, be a resident of the district for which he is appointed or elected, who shall hold his office until the next general election, at which time there shall be elected in all such townships a constable for each of said districts. The judges and clerks of election shall certify the same to the clerk of the county court, and in case of a tie or contested election, it shall be determined by that tribunal. (R. S. 1889, § 2371, amended, Laws 1891, p. 175—r.)

## CONSTABLES IN CITIES OF 300,000 INHABITANTS.

## CHAPTER 91—ARTICLE XXII.

**SEC. 6508. Justices and constables to be elected, when.**—In all cities which now contain or may hereafter contain three hundred thousand inhabitants or more there shall be elected, on the general election day, A. D. 1894, and every four years thereafter, one justice of the peace and one constable for each district in said cities, which districts shall be determined, fixed and located as hereinafter provided. (Laws 1891, p. 175.)

**SEC. 6509. Number of districts.**—For the first one hundred thousand of population in said cities there shall be five districts; and there shall be an additional district for every additional one hundred thousand, and for every fractional part of one hundred thousand exceeding fifty thousand of population. For the purpose of this article the last general census of the United States of America shall be taken as the basis of population. (Laws 1891, p. 175.)

**SEC. 6511. Division into districts, who to make.**—The judges of the probate court, criminal court of correction and of the circuit court, or a majority thereof, in all such cities, shall, six months prior to the general election of 1894, divide their respective cities into districts upon the basis of population as fixed by this article, and shall define and fix the metes and bounds of said districts, and each of said districts shall be entitled to one justice of the peace and one constable, to be elected as provided in this article. (Laws 1891, p. 175.)

(r) County court cannot appoint constable in which office is filled by one whose tenure is undisputed. 27 A. 477.

## JUDGES OF COURTS.

### SUPREME COURT.

#### CHAPTER 14—ARTICLE II.

**SEC. 1634. Judges of supreme court, when elected.**—At the general election in the year eighteen hundred and eighty, and every two years thereafter, there shall be elected one judge of the supreme court, who shall hold his office for a term of ten years from the first day of January next after his election, and until his successor is duly elected and qualified. (R. S. 1889, § 3277—s.)

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### ST. LOUIS COURT OF APPEALS.

**SEC. 1641. Judges of St. Louis court of appeals—election and term of office.**—At the general election in eighteen hundred and ninety-two, and every four years thereafter, the qualified voters of the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Montgomery, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Wright, Douglas, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, McDonald and the city of St. Louis, shall elect a judge of the St. Louis court of appeals, who shall be a resident of the district composed of the said counties and city, and who shall hold his office for a term of twelve years, and until his successor is duly elected and qualified. (R. S. 1889, § 3284—t.)

**SEC. 1650. Audrain county placed within jurisdiction St. Louis court of appeals.**—That the county of Audrain is hereby taken out of the jurisdiction of the Kansas City court of appeals, and the same is hereby placed within the jurisdiction of the St. Louis court of appeals. (Laws 1893, p. 131.)

### KANSAS CITY COURT OF APPEALS.

**SEC. 1649. Jurisdiction of Kansas City court of appeals.**—The jurisdiction of the Kansas City court of appeals shall be co-extensive with all the counties in the state except those embraced in the jurisdiction of the St. Louis court of appeals. (R. S. 1889, § 3292.)

**SEC. 1651. Election of judges, term of office, etc.**—At the general election in the year eighteen hundred and eighty-eight, the qualified voters of the counties within the jurisdiction of said court of appeals shall elect three judges for said court, who shall determine by lot the duration of their several terms of office, which shall be respectively four,

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(s) See Const. amendment of 1890.

(t) Section 1650 entitles Audrain county to vote for election of judges to St. Louis court of appeals.

eight and twelve years, and certify the result to the secretary of state; and every four years thereafter one judge of said court shall be elected, to hold his office for the term of twelve years. The term of office of said judges shall begin on the first Monday of January next after their election; the judge having the oldest license to practice law in this state shall be the presiding judge of said court. (R. S. 1889, § 3293.)

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## CIRCUIT COURTS.

### CHAPTER 14—ARTICLE III.

**SEC. 1673. Election of judges.**—At the general election in the year (1892) one thousand eight hundred and ninety-two, and at the general election every sixth year thereafter, all the circuit judges shall be elected, and shall enter upon the duties of their offices on the first Monday in January next ensuing: *Provided*, that at the general election in the year (1896) eighteen hundred and ninety-six, and at the general election every sixth year thereafter, the judges of the circuit court of Jackson county whose terms of office expire in said year (1896) one thousand eight hundred and ninety-six, shall be elected, and shall enter upon the discharge of the duties of their offices as above provided: *Provided, further*, that nothing contained in this section shall be construed as changing the law now in force concerning the election of circuit judges in the city of St. Louis and the county of Buchanan. (R. S. 1889, § 3317, amended, Laws 1892, p. 9.)\*

\*Thirty-third judicial circuit and court at Independence established. Laws 1905.

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## PROBATE COURTS.

### CHAPTER 14—ARTICLE IV.

**SEC. 1754. Election of judges.**—At the general election in the year 1878, and every four years thereafter, except as hereinafter provided, a judge of probate shall be elected by the qualified voters in every county. Said judge shall be commissioned by the governor and shall take the oath prescribed by the constitution for all officers and shall enter upon the discharge of his duties on the first day of January ensuing his election and continue in office for four years and until his successor shall be duly elected and qualified: *Provided*, that in all cases where the death of the judge-elect shall take place after his election and before he qualifies, the same shall constitute a vacancy in such office from and after the date which said judge-elect is required to qualify. (R. S. 1889, § 3398, amended, Laws 1903, p. 152.)

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## COUNTY COURTS.

### CHAPTER 14—ARTICLE V.

**SEC. 1772. Election of, and tenure of office.**—At the general election in the year eighteen hundred and eighty, and every two years thereafter, the qualified voters of each of said districts shall elect a county

court judge, who shall hold his office for a term of two years and until his successor is duly elected and qualified; and at the general election in the year eighteen hundred and eighty-two, and every four years thereafter, the presiding judge of said court shall be elected by the qualified voters of the county at large, who shall hold his office for the term of four years and until his successor is duly elected and qualified. Each judge elected under the provisions of this article shall enter upon the duties of his office on the first day of January next after his election. (R. S. 1889, § 3417—v.)

**SEC. 1773. Elections, how certified.**—All elections of judges of the county court under this article shall be certified to the clerks of the county courts of the counties wherein such elections shall be held; and in case of a tie between two or more persons, the same shall be determined by the sheriff of the proper county. (R. S. 1889, § 3418.)

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## ST. LOUIS COURT OF CRIMINAL CORRECTION.

### APPENDIX, VOL. II, R. S. 1899—ARTICLE XVIII.

**SECTION I. Court established.**—There is hereby established in the county [city] of St. Louis a court of record, which shall be known and called “the St. Louis court of criminal correction.” (Laws 1865-6, p. 78, § 1.)

**SEC. 3. Election, qualifications and terms of judge and officers.**—At the general election, every four years, there shall be elected by the qualified voters of St. Louis city a judge and clerk of said court, a prosecuting attorney, to be styled the prosecuting attorney for the St. Louis court of criminal correction of St. Louis city, and an assistant prosecuting attorney. Said judge shall possess the qualifications of a judge of the circuit court, and shall hold his office for the term of four years from the time of his election, and until his successor, shall be duly elected and qualified, unless sooner removed from office. Said clerk shall possess the qualifications of a clerk of the circuit court, and be subject to all the requirements and obligations exacted of and imposed by law upon clerks of courts of record, and shall hold his office for the term of four years from the time of his election, and until his successor shall be duly elected and qualified, unless sooner removed from office; and said clerk shall have power, by and with the consent of the judge of said court, to appoint one or more deputies, which said appointment shall be approved by said court; thereupon said court shall fix the salary of said deputy or deputies, and the said salary or salaries shall be paid monthly by the city of St. Louis. Said prosecuting attorney and assistant prosecuting attorney shall possess the same qualifications as required by law for circuit attorneys; they shall hold their office for the term of four years, and until their successors shall be duly elected and qualified unless sooner removed from office. (Laws 1869, p. 194, § 2—w.)

(v) 41 Mo. 395; 139 Mo. 106.

(w) 49 A. 184.

## CRIMINAL COURT OF JACKSON COUNTY.\*

**SECTION 1. Name of court.**—A court of record is hereby established, to be called the criminal court of Jackson county.

**SEC. 6. Qualifications and election of judge.**—The judge of said court shall, previous to his election or appointment, have attained the age of thirty years, have resided one year in the state, and to be a resident of said Jackson county, and the qualified voters of Jackson county shall, at the special election for a judge of the Twenty-fourth judicial circuit, elect a judge of the court hereby established, who shall hold his office until the first day of January, 1875. At the general election for circuit judges in the year 1874, and every six years thereafter, the qualified voters of said county shall elect a judge of said court, who shall enter upon the discharge of his duties on the first day of January next succeeding his election.

**SEC. 9. Election, qualification and compensation of clerk.**—The clerk of the court hereby established shall be elected at the same time of the election of judge of said court, who shall hold his office till the next general election of clerks of circuit courts; he shall perform the same duties and receive the same compensation as is or may be allowed to clerks of circuit courts for like services, and shall give a like bond, to be approved by the court hereby established; and all future elections of clerk of said court shall be at the same time as election for clerks of courts of record.

## CRIMINAL COURT OF BUCHANAN COUNTY.†

**SECTION 1. Court established.**—Pursuant to sections one and thirty-one of article VI of the constitution of the state of Missouri, and to a notice duly and legally published in the city of St. Joseph, in Buchanan county, in the state of Missouri, a court of record is hereby established in the county of Buchanan, said county having a population exceeding fifty thousand inhabitants, and to be designated and called the criminal court of Buchanan county.

**SEC. 8. Election of judge.**—At the general election in the year 1888, and every four years thereafter, the qualified voters of said Buchanan county shall elect a judge of said court, who shall enter upon the discharge of his duties on the first day of January next succeeding his election.

## CRIMINAL COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF THE STATE OF MISSOURI.‡

**SECTION 1. Court established.**—A court of record is hereby established in the counties composing the fifteenth judicial circuit in the state of Missouri, to be called the criminal court of the fifteenth judicial circuit of the state of Missouri.

**SEC. 2. Qualifications and tenure of office of judge.**—Said court shall be composed of one judge, who shall possess all the qualifications

\*Laws 1871, p. 110.

†Laws 1885, p. 136.

‡Laws of 1875, p. 42, amended, Laws 1897, p. 80.

required by law of judges of the circuit court, and shall be elected at the same time and in the same manner as circuit judges are elected, and shall hold his office for the term of six years from the first day of January next succeeding his election, and until his successor is duly elected and qualified.

### CRIMINAL COURT OF GREENE COUNTY. §

**SECTION 1. Court established.**—Pursuant to sections one and thirty-one of article IV of the constitution of the state of Missouri, and to a notice duly and legally published in the city of Springfield, in Greene county, in the state of Missouri, a court of record is hereby established in the county of Greene, said county having a population exceeding fifty thousand inhabitants, and to be designated and called the criminal court of Greene county.

**SEC. 8. Election of judge, when.**—At the general election in the year 1892, and every four years thereafter, the qualified voters of said Greene county shall elect a judge of said court, who shall enter upon the discharge of his duties on the first day of January next succeeding his election.

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### STURGEON COURT OF COMMON PLEAS.\*

**SECTION 1. Court established.**—A court of record, to be called the Sturgeon court of common pleas, is hereby established, to extend its jurisdiction over the territory included within the following boundaries, to wit: Beginning at the southeast corner of section fourteen, in township fifty, range eleven, in Boone county, and running thence north on the boundary line between the county of Boone and the county of Audrain, to the northeast corner of Boone county; thence the same line produced until it intersects the boundary line between the county of Monroe and the county of Audrain, at the northeast corner of section thirty-five, in township fifty-three, range eleven; thence west on the boundary line between the county of Monroe and the county of Audrain, until it intersects the boundary line between the county of Randolph and the counties of Monroe and Audrain; thence the same line produced to the northwest corner of section thirty-four, in township fifty-three, range fourteen; thence south on the subdivisional line to the southwest corner of section fifteen, in township fifty, range fourteen; thence east on the subdivisional line to the place of beginning; which shall possess all the powers, perform the duties and be subject to the restrictions of a court of record, according to the laws of this state.

**SEC. 8. Clerk of said court—his term of office.**—There shall be a clerk of the Sturgeon court of common pleas, who shall possess the qualification of a clerk of the circuit court, and hold his office for the term of four years, and until his successor is elected and qualified; he may be removed from office for the like causes and in the same manner as a circuit court clerk, and receive like fees for his services.

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\*Laws of 1889, p. 86.

\*The circuit court judge of the Boone county circuit court is ex officio judge of this court.

**SEC. 10. Time of election for said clerk.**—On the first Monday in February, in the year 1860, and every four years thereafter, there shall be an election held at the city of Sturgeon, in the manner provided by law for holding elections, and at such place in said city as the judges of said election shall appoint, for the election of such clerk of said court of common pleas, by the qualified voters residing within the aforesaid boundaries set forth in section one of this act.

**SEC. 11. Certificate of election.**—Immediately after the election of said clerk the judges of said election shall transmit to the governor a certificate, under their hands and seals, of the number of votes given for each candidate for the office of clerk of the said court of common pleas, and the governor shall thereupon issue a commission to the person who shall receive the highest number of votes as clerk of the said court of common pleas.

#### CAPE GIRARDEAU COURT OF COMMON PLEAS.

**SECTION 1. Court established.**—A court of record, to be called the Cape Girardeau court of common pleas, is hereby established within and for the city of Cape Girardeau, in the county of Cape Girardeau, which shall possess all the powers, perform the duties and be subject to the restrictions of a court of record, according to the laws of the state. (Laws 1851, p. 201.)

**SEC. 5. Election of judge.**—At the general election in the year 1884, and at the general election every fourth year thereafter, there shall be elected by the qualified voters of the county of Cape Girardeau a judge of said Cape Girardeau court of common pleas, who shall be commissioned and qualified in the same manner as judges of the circuit court, and who shall receive in full compensation for his services the sum of one thousand dollars per annum, to be paid in the same way and in the same manner as salaries of circuit judges are paid. (Laws 1883, p. 72.)

#### COLLECTOR AND HIS TERM OF OFFICE.

**SECTION 1.** That section 9203 of article 3 of chapter 149 of the Revised Statutes of 1899, relating to the collector of the revenue be amended by striking out the word "hereafter," at the end of the first line of said section, and by striking out the figures "1872," after the word "in," and before the word "and," in the third line of said section, and inserting in lieu thereof the figures "1906," and by striking out the word "two," after the word "every," and before the word "years," in the fourth line of said section, and inserting in lieu thereof the word "four;" and by striking out the word "two," after the word "for," and before the word "years," in the sixth line of said section, and inserting in lieu thereof the word "four;" so that said section, when amended, shall read as follows:

**SECTION 9203. The collector and his term of office.**—The offices of sheriff and collector shall be distinct and separate offices in all the counties of this state, and at the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in all the counties of this state, who shall hold their office for four years and until their successors are duly elected and qualified: Provided, that nothing herein contained shall be so construed as to prevent the same person from holding both offices of sheriff and collector.

SEC. 2. That section 9204 of article 3, chapter 149 of the Revised Statutes of 1899, relating to the collector of the revenue, be amended by striking out figures "1896," after the abbreviation "A. D." and before the word "and," in the fifth line of said section, and inserting in lieu thereof the figures "1906," and by striking out the word "two," after the word "every," and before the word "years," in the fifth line of said section, and inserting in lieu thereof the word "four;" so that said section, when amended, shall read as follows:

**SECTION 9204. Collectors in certain counties.**—In all counties wherein the assessed valuation of all property which now or hereafter shall exceed twenty million dollars, and in which the sheriff is also ex officio collector of the revenue, there shall be elected on the general election day, A. D. 1906, and every four years thereafter, a collector of the revenue who shall qualify and perform the duties of such office as provided by law.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 13, 1905.

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## JUSTICES OF THE PEACE.

### CHAPTER 43—ARTICLE I.

SEC. 3807. **Shall be elected, when—term of office.**—Justices of the peace, as herein provided for, shall be elected at the general election to be held in eighteen hundred and eighty-two, and shall hold their offices for four years, or until their successors are elected, commissioned and qualified; but every justice of the peace now in office shall continue to act as such until the expiration of his commission, and until his successor is elected and qualified. (R. S. 1889, § 6094—y.)

SEC. 3811. **Election of, how conducted.**—The election of justices of the peace shall, in all respects, be conducted as other elections and the returns made as for other offices. (R. S. 1889, § 6098.)

SEC. 3812. **County court to decide election of, when.**—Whenever two or more persons shall have an equal number of votes for justices of the peace for any township; or there is a contested election, the county court shall decide the same. (R. S. 1889, § 6099—z.)

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## JUSTICES OF THE PEACE IN CITIES OF 300,000 INHABITANTS.

### CHAPTER 91—ARTICLE XXII.

SEC. 6508. **Justices and constables to be elected, when.**—In all cities which now contain or may hereafter contain three hundred thou-

(y) Justices can only be elected by virtue of the statute and in the absence of such authority the election is void. 81 Mo. 479. Where a justice continues to act after his term has expired, his acts, when within the jurisdiction of a justice, are valid as to third parties and cannot be collaterally attacked. 48 Mo. 251; 9 A. 71; 11 A. 596. Where, however, a justice was appointed under a law which had been repealed before the appointment he is not an officer de facto. 57 A. 78; 62 A. 209. Section constitutional. 73 Mo. 78.

(z) Declared unconstitutional. New election must be held. 150 Mo. 89.

sand inhabitants or more there shall be elected, on the general election day, A. D. 1894, and every four years thereafter, one justice of the peace and one constable for each district in said cities, which districts shall be determined, fixed and located as hereinafter provided. (Laws 1891, p. 175.)

**SEC. 6509. Number of districts.**—For the first one hundred thousand of population in said cities there shall be five districts; and there shall be an additional district for every additional one hundred thousand, and for every fractional part of one hundred thousand exceeding fifty thousand of population. For the purpose of this article the last general census of the United States of America shall be taken as the basis of population. (Laws 1891, p. 175.)

**SEC. 6511. Division into districts, who to make.**—The judges of the probate court, criminal court, criminal court of correction and of the circuit court, or a majority thereof, in all such cities shall, six months prior to the general election of 1894, divide their respective cities into districts upon the basis of population as fixed by this article, and shall define and fix the metes and bounds of said districts, and each of said districts shall be entitled to one justice of the peace and one constable, to be elected as provided in this article. (Laws 1891, p. 175.)

## PROSECUTING ATTORNEYS.

### CHAPTER 75—ARTICLE II.

**SEC. 4944. Election and qualifications of prosecuting attorneys.**—At the general election to be held in this state in the year A. D. 1880, and every two years thereafter, there shall be elected, in each county of this state, a prosecuting attorney, who shall be a person learned in the law, duly licensed to practice as an attorney at law in this state and enrolled as such, at least twenty-one years of age, and shall hold his office for two years, and until his successor is elected, commissioned and qualified. (R. S. 1889, § 631—a.)

**SEC. 4946. Election of.**—Elections under this chapter shall be governed by the general law regulating elections. (R. S. 1889, § 633.)

**SEC. 4947. Duties of county clerk.**—The clerk of the county court of each county shall transmit to the secretary of state an abstract of the votes given for each candidate for prosecuting attorney in his county. (R. S. 1889, § 634.)

**SEC. 4959. Election of circuit attorney for city of St. Louis.**—At the general election to be held in this state in the year 1892, and every four years thereafter, there shall be elected in the city of St. Louis one circuit attorney and one assistant circuit attorney, who shall reside in said city, and shall possess the same qualifications and be subject to the same duties that are prescribed by this act for prosecuting attorneys throughout the state, and it shall be the duty of the city register of said city to transmit to the secretary of state an abstract of the votes given for each candidate for circuit attorney and assistant circuit attorney in said city, in the same manner as is required by law of clerks of county courts. (R. S. 1889, § 646.)

**SEC. 4961. Prosecuting and assistant prosecuting attorney of St. Louis.**—At the general election to be held in this state in the year 1890, and every four years thereafter, there shall be elected in the city

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(a) Tie vote for prosecuting attorney; governor must order new election. 65 Mo. 306.

of St. Louis, for the St. Louis court of criminal correction, one prosecuting attorney and one assistant prosecuting attorney, who shall reside in said city and shall possess the same qualifications and be subject to the same duties as are now provided by law for the government of said officers; and the duty of transmitting the abstract of the votes by which said officers are elected, heretofore devolving upon the county clerk, shall be performed by the register of said city, as provided in section 4959. (R. S. 1889, § 648.)

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## PUBLIC ADMINISTRATORS.

### CHAPTER I—ARTICLE XVI.

**SEC. 289. To be elected, when—oath and bond.**—Every county in this state, and the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be *ex officio* public guardian and curator in and for his county. Before entering on the duties of his office, he shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that he will faithfully discharge all the duties of his office, which said bond shall be given and oath of office taken on or before the first day of January following his election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in his hands or under his control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and the court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another. (R. S. 1889, § 296, amended—b.)

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## RECORDERS OF DEEDS.

### CHAPTER 147.

**SEC. 9080. Election or appointment of recorder.**—If the said order shall be made twelve months next before the time herein provided for the election of recorder aforesaid, election shall be ordered for the purpose of filling said office, to be held not exceeding forty days thereafter, and the person chosen at such election shall hold his office until the next regular election of recorder, and until his successor is duly qualified; but if said order is made within twelve months next before the time herein provided for the election of recorder, the governor, on being notified by the county court of the fact, shall appoint some suitable person as recorder, who shall hold his office until his successor is duly qualified, and who shall be entitled, on demand, to receipt for all the books and papers pertaining to said office of recorder, and the circuit clerk shall deliver to him all books and papers pertaining to said office of recorder. (R. S. 1889, § 7446.)

**SEC. 9081. Election.**—On the first Tuesday after the first Monday in November, one thousand eight hundred and sixty-six, and every four years thereafter, an election shall be held for the said office of recorder, in each county of the state where the offices of clerk of the circuit court and recorder of deeds have been separated, and the person so chosen at said election shall, on the first day of January next following, enter upon the duties of his office, first giving bond in the sum of not less than one thousand nor more than five thousand dollars, conditioned for the faithful performance of the duties of his office, with at least two sufficient sureties, to be approved by the county court. (R. S. 1889, § 7447—c.)

**SEC. 9082. *Id. How conducted.***—Such elections, and all returns thereof, shall be conducted and made in the manner provided by law as in case of elections, and the returns thereof, of clerks of circuit courts. (R. S. 1889, § 7448.)

**SEC. 9083. Tie or contest.**—If there be a tie, a new election shall be awarded by the county court of the county wherein such election may be held. (R. S. 1889, § 7449.)

## SHERIFFS AND CORONERS.

CONST., ART. IX, SEC. 10; R. S. 1899, CHAPTER 158.

**SEC. 10. Sheriffs and coroners.**—There shall be elected by the qualified voters in each county, at the time and places of electing representatives, a sheriff and coroner. They shall serve for two years, and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be eligible only four years in any period of six. Before entering on the duties of their office, they shall give security in the amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until their successors shall be duly elected and qualified. (d)

**SEC. 10034. Certificate of election, etc.**—When any person shall be elected sheriff, the clerk of the county court shall deliver to him a certificate of his election, under the seal of the court, and shall also certify that fact to the clerk of the circuit court, who shall file the certificate in his office, and he shall enter upon the discharge of the duties of his office on the first day of January next succeeding his election. (R. S. 1889, § 8173—e.)

## SURVEYORS.

CHAPTER 164.

**SEC. 10176. Surveyor to be elected, when—term of office.**—At the November election in the year 1868, and every four years thereafter, the qualified voters of each county shall elect some suitable person as

(c) 44 Mo. 159.

(d) 135 Mo. 325; 90 Mo. 229.

(e) 41 Mo. 32, 238, 247. In approving bond of sheriff, county court acts in a ministerial capacity. 45 Mo. 53.

county surveyor, who shall hold his office for four years, and until his successor is elected, commissioned and qualified. The present incumbents may remain in office until the persons elected at the time aforesaid are duly commissioned and qualified. (R. S. 1889, § 8302.)

**SEC. 10177. Election, how certified.**—The clerk of the county court shall certify the election of county surveyors in the same manner as other elections of state and county officers, and the person elected shall be commissioned by the governor. (R. S. 1889, § 8303.)

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## TREASURERS OF COUNTIES.

### CHAPTER 97—ARTICLE IV.

**SEC. 6764. Election of county treasurers.**—On the Tuesday after the first Monday in November, 1892, and every two years thereafter, there shall be elected by the qualified voters of the several counties in this state, a county treasurer, who shall be commissioned by the county court of his county, and who shall enter upon the discharge of the duties of his office on the first day of January next succeeding his election, and shall hold his office for the term of two years and until his successor is elected and qualified, unless sooner removed from office: *Provided*, that no person shall be elected to said office of treasurer more than two successive terms: *Provided, further*, that in counties having adopted, or which may hereafter adopt, township organization, the term of office of said treasurer shall be extended to the first day of April next after the election of his successor. (R. S. 1889, § 3159, amended, Laws 1891, p. 105—f.)

**SEC. 6765. How governed and conducted.**—Said elections shall be governed and conducted under the law regulating the election of county officers in said counties. (R. S. 1889, § 3160.)

**SEC. 6766. Case of tie, how decided.**—In case of two or more candidates having an equal and the highest number of votes for said office of treasurer, the county court of the proper county shall select the treasurer aforesaid from the persons so tied. (R. S. 1889, § 3161.)

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(f) 92 Mo. 428. County court, proper body to commission treasurer. 20 A. 684.

LAWS SPECIALLY APPLICABLE  
TO THE  
CITY OF ST. LOUIS.

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PRIMARIES—LAWS 1901.

**SECTION 1. Short title and application of act.**—The short title of this act shall be the “Primary election law.” Except as otherwise herein provided it shall be controlling: (1) On the methods of the registration of voters in cities in this state which now have, or which may hereafter have, over 300,000 inhabitants according to the last preceding census; (2) on the conduct of primary elections in such cities; (3) on party conventions in such cities, or for any political subdivision thereof; (4) on the choice in such cities, or in any political subdivision thereof, of the members of political committees.

**SEC. 2. Definition and construction of act.**—The terms used in this act shall, for the purpose of this act, have application as provided in this section, unless other meaning is clearly apparent from the language of the context or manifest intent. The term “general committee” shall apply to any committee chosen in pursuance hereof, or of the rules and regulations of a party, to represent the members of such party in any such city; and the term “committee” shall apply to any committee chosen in like manner to represent the members of a party in any political subdivision of such city. The term “convention” shall apply to any assemblage of delegates of a party in and for any such city, or in and for any political subdivision of such city, duly convened for the purposes of nominating candidates for public office, electing delegates to other conventions, electing members of political committees, or transacting any other business relating to the affairs of a party. The term “primary election” shall apply to any election by the members of a party duly convened in any such city, or in any political subdivision of such city, of delegates to a convention, or of party committeemen, or of candidates for public office, or to any such election upon any questions submitted to the vote of a party. The term “primary period” shall apply to the time intervening from the date of the election of state officers to the date of the next subsequent election of the same officers. The term “party” shall apply to any political organization which, at the last preceding election, polled at least 10,000 votes for governor, or for supreme judge if the governor was not elected at such election. No organization or association of citizens solely for the election of city officers shall be deemed a political

party within the meaning of this act, and membership in any such organization or association shall not prevent an elector from voting and acting as a member of a political party.

**SEC. 3. Primary registration books to be prepared.**—The election commissioners in all cities in this state to which this act is applicable, shall cause to be prepared, within ninety days after this act shall become a law and be in force, original primary registration books to the number of two for each election precinct. Such registration books shall be so arranged that the names of all the electors of the election precinct may be inscribed therein alphabetically; there shall be fourteen columns on each page; the first for the surnames of the electors; the second for the christian names of the electors; the third for their residence addresses; the fourth, fifth and six, for the words at the top of page, "1st official," "2nd official," "3rd official," respectively, and over same the word "Democratic;" the seventh, eighth and ninth, for the words at the top of page, "1st official," "2nd official," "3rd official," respectively, and over the same the word "Republican;" the tenth and eleventh for the word at the top of page "unofficial;" said last eight columns shall be of sufficient width to permit the word "voted" to be plainly written therein; the twelfth column shall be of sufficient width to permit the word "challenged" and date thereof to be plainly written therein; the thirteenth column shall have at top of page the words "oath administered;" and the fourteenth column shall be of sufficient width to permit the elector to plainly sign his full name.

**SEC. 4. Form of registration sheet.**—The form of each registration sheet in the primary registration books shall be as follows, viz.:

WARD..... PRECINCT.....

Surname.	Christian Name.	Residence.	Challenged.	Oath Adminis- tered.	Signature.
Unofficial.....					
Unofficial.....					
Dem'cratic	Republcan				
3rd Official.					
2nd Official.					
1st Official.					
3rd Official.					
2nd Official.					
1st Official.					

**SEC. 5. Elector shall sign registration books.**—When an elector shall have been registered as a qualified voter in any precinct in such city, either at the office of the election commissioners, or in any such precinct on any day of precinct registration, his name and residence address shall be entered at the proper place by the election commissioners, or judges at precinct registration, in the two original primary registration books for that precinct, and such elector shall forthwith sign his name in the column provided therefor. In case an elector shall be unable to sign his name, he shall make his mark, and the same shall be evidence as like signatures are by law in sealed instruments. If an elector shall refuse to sign his name as above provided, his registration for primary purposes shall be deemed void, and the registration officer, or officers, shall forthwith strike his name from such primary books by running a red line with pen and ink through his name. Nothing herein, however, shall be construed to prevent such elector, being a qualified voter for other than primary purposes, from subsequently appearing before the proper registration officers, and, by complying with provisions above required, having his name duly registered in said primary books, and becoming an elector for primary purposes.

**SEC. 6. Registration provided for.**—No elector shall be permitted to vote at any primary election unless he be a registered voter in the precinct at the time he offers to vote, and at the time actually resides in such precinct at the number designated in his registration. If an elector shall be duly registered for primary purposes in an election precinct in such city, and shall thereafter move his residence out of such precinct to another precinct in the same city, said elector may, after he shall become a qualified voter of such last named precinct, have his primary registration changed to conform thereto, but if such re-registration is made at the office of the election commissioners, the officer making such re-registration shall forthwith strike the name of such elector from the primary books in which he was last before registered by running a red line through the same with pen and ink. If such re-registration for primary purposes be made by the judges on any day of precinct registration, said judges shall, over their proper signatures, certify to the re-registration of such elector, giving the ward, precinct and residence address from which he was last before registered in the primary books, on blanks provided therefor, and return the same in sealed envelopes, with the primary books to the office of the election commissioners, and the election commissioners shall forthwith cause the name of such elector to be stricken from the primary books in which he was last before registered by running a red line through the same with pen and ink. If an elector shall move from one place in a precinct to another place in the same precinct, he must re-register in the manner above provided before he can vote at any primary election.

**SEC. 7. Registration suspended, when.**—No primary election shall be held in any city in this state to which this act is applicable on any day of precinct registration, nor within five days preceding, or following, any such day. The election commissioners in any such city shall suspend all primary registration on the day of primary election, and during the five days preceding and following the same. Any elector who shall register and become a qualified voter in any precinct during any suspension of primary registration shall have the right to subsequently register for primary purposes by complying with the provisions of this act governing primary registration.

**SEC. 8. Commissioners to attest registration books.**—Within three days prior to any primary election held under the provisions of this act the election commissioners in such city shall certify, over their own proper signatures, in each of the two primary registration books, in each precinct in such city, or district, in which such primary is held, that the primary registration books for such precinct contain a full, complete, and correct list, alphabetically arranged, of all the electors in said precinct who are registered for primary purposes, and that all of said electors were duly registered, and are *bona fide* residents of such precinct, and as such, entitled to vote as they verily believe, and said certificate shall be attached to, and made a part of said primary registration books.

**SEC. 9. Registration books delivered to judges, when.**—The original primary registration books shall be used at all official primary elections, and shall be delivered by the election commissioners to the proper judges of primary election within twenty-four hours before the opening of the polls on each official primary day, and shall be returned by the judges to such election commissioners forthwith, after the completion of the canvass and count of the votes cast at such primary.

**SEC. 10. Unofficial primary held, how.**—Unofficial primary elections may be held by any political organization or association of citizens in any such city, and such organization or association shall have the right to use the primary registration books thereat, by duly notifying the election commissioners of such city of their wish to use said books, and in all respects complying with the provisions of this act governing the filing of delegations, and defraying the expense of such primary.

**SEC. 11. Wards divided into primary election districts.**—The election commissioners shall within thirty days after this act shall take effect and be in force, divide every ward in cities to which this act is applicable, into two primary election districts, each of which shall consist of two contiguous districts, composed of precincts lying compactly together, and, as nearly as may be, so that each primary district shall contain the same number of voters registered for primary purposes. There shall be one polling place in each of such primary districts, which shall be designated and provided at public expense by the election commissioners, and such polling place shall be, as nearly as may be, centrally located in such primary districts. Whenever the ward lines of any ward in such city shall be changed in any manner, said election commissioners shall, within thirty days after such change, again divide each of said wards so changed into two primary districts in the manner above provided.

**SEC. 12. Duties of political committees—of commissioners.**—Whenever the general committee representing a political party in any city to which this act is applicable, or the committee representing a district in such city, shall officially call a primary election, at which the electors belonging to such party in such city, or district, shall select; (1) delegates from the various wards in such city, or district, to any convention of such party to be held for the purpose of nominating a candidate, or candidates, for public office; (2) to nominate, by direct primary vote, a candidate, or candidates, for public office; (3) to select, either by direct vote, or through delegates elected at such primary, the representative of the managing committee of such party from any district or ward in such city, the chairman of such committee shall certify and deliver to the election commissioners a statement of the conventions, committees, and offices for which delegates, members or candidates,

dates, as the case may be, are to be elected thereat, and the number of delegates to conventions apportioned among the various wards in such city, or district, and members of the committees to be elected in each ward, or district. The election commissioners shall forthwith prepare a notice of such official primary election, and shall publish such notice for at least three days prior to such primary election in at least one newspaper having a general circulation in the city in which such primary is held of the political faith of the party calling such primary. Such notice shall specify the day of such primary election, the hours during which it shall be held, the location of each polling place, the election precincts whose electors may vote at each such polling place, the name of the party whose primary election will be held thereat, and the conventions, committees and officers for which delegates, members, or candidates, as the case may be, will be voted for thereat. Such notice shall also specify the number of delegates to which each ward in such city, or district, is entitled, in case a delegate convention is called. All official primary elections, held in pursuance of this act, shall be open from one o'clock in the afternoon to eight o'clock in the evening. All other primary elections, if any, shall be open for not less than three hours, commencing not earlier than four o'clock in the afternoon, and not later than eight o'clock in the evening. Notice of all unofficial primary elections shall be given in the same manner as in case of official primary elections, except that such notice shall be given by the proper party officers, and shall not be at public expense. Unofficial primary elections shall be held in such places in the various primary districts in such city, or part of city, as shall be designated by the organization or association of citizens calling the same: *Provided, however,* that the election commissioners may, at the request of such organization or association, combine the two election districts in any ward and provide but one polling place therein.

**SEC. 13. *Forbidden to hold primaries, where.***—No primary election shall be held in a saloon or drinking place, or in any room connected therewith, or in any room which is not on the first floor of the building of which it forms a part, or that is not directly and easily accessible to the street. The election commissioners shall post, and keep posted during such election at or near the entrance to the room where the primary election is held, so that said notice is clearly visible from the street, a conspicuous notice, calling attention to the place at which the primary election is being held. Unofficial primary elections shall be held at the expense of the party holding them, and, except as herein otherwise provided, shall be subject to the rules of the organization or association calling the same.

**SEC. 14. *Delegations filed, when—expenses, how paid.***—Whenever an official, or unofficial, primary election is called under the provisions of this act, the election commissioners shall fix a time within which delegations may be filed in their office, which in no case shall be less than fifteen days from the date of said call, and the party, committeeman, or person, filing such delegations, shall pay into the office of said election commissioners the sum of twenty dollars for each delegation filed to defray the expense of conducting such primary. Said commissioners shall pay, or cause to be paid, out of the funds thus created, the judges and clerks officiating at such primary within ten days thereafter, and any balance of such fund remaining over shall be by said commissioners paid into the city treasury. No delegation shall be re-

ceived and filed from any ward in such city, or district in such city, except the petition therefor be duly signed by each elector whose name is submitted for delegate therein, and the same be endorsed by at least twenty qualified electors of such ward, evidenced by their signatures to a petition therefor, giving their residence address, and such petition shall be certified to by the committeeman or person filing the same, who shall make oath that the same is offered *bona fide*, and that the delegates named therein, and the petitioners signing the same, are actually resident qualified voters of the ward for which said delegation is offered, and that all said delegates and petitioners are members of the political party whose primary is to be held under the call for such primary, and that no name appears on the list of delegates submitted therein, which appears on any other delegation filed in said ward, as he verily believes. The election commissioners shall not receive and file any subsequent delegation from any ward to be voted for at such primary which contains the name of any delegate whose name appears on the list in any former delegation. Whenever a delegation is filed from any ward under the provisions of this act the same shall not be withdrawn for any reason, and it shall be the duty of the election commissioners to place the same on the official ballot to be voted for at such primary. All changes in the personnel of any delegation shall be made within three days from the last day fixed for filing delegations, and shall be only made at the written request of the person whose name is to be withdrawn, or at the written request of a majority of the electors composing such delegation, and the person filing such delegation shall thereupon substitute in each case of withdrawal the name of some other qualified elector residing in the ward in which such change is made. The party, committeeman, or person, filing such delegation shall, at the time he files the same, submit to the election commissioners the names of three resident qualified voters of each primary district in the ward for which such delegation is filed, for primary election judges in such districts, together with the names of three resident qualified voters of each primary district in such ward, for clerk and challenger. All the names thus submitted must be of electors belonging to the political party for which such primary is held, and must be reputable citizens actually residing in the primary district in which they are to serve. If there be but two delegations filed in any ward, the election commissioners shall select two judges out of the list submitted for judges for each delegation, and one clerk and one challenger out of the list submitted therefor. If there be more than two delegations filed in any ward, the election commissioners shall select from the list submitted with each delegation, one judge, one clerk, and one challenger, to represent the same at such primary. The judges and clerks thus selected shall qualify before a member of the board of election commissioners, or the secretary of such board, in the manner required of judges and clerks who serve at general state elections. If any judge, clerk, or challenger, thus appointed and qualified, shall fail to appear at the poll at which he was selected to serve in any primary district, within five minutes after the time fixed for opening the polls thereat, the committeeman, or person who submitted his name, or if not present, some member of the delegation in whose behalf his name was submitted, shall choose another resident qualified voter in such district, belonging to said party, who shall qualify before one of the judges present in the manner provided by law in such cases at general elections, and shall serve in the place of such absentee. All

judges and clerks who serve at primary elections under the provisions of this act shall receive as compensation therefor the sum of three dollars per day. (a)

**SEC. 15. Proceedings when candidates for office are nominated by primary.**—If the general committee representing a party in any city to which this act is applicable, or the committee in any district in such city, shall determine to nominate a candidate, or candidates, for public office, or committeeman for said party, by direct vote of the electors, the chairman of said committee shall notify the election commissioners of such fact, stating what nominations are to be thus made, the date fixed for such primary election, and said election commissioners shall forthwith make publication thereof as hereinbefore provided in case the call is for a delegate convention. All candidates submitting their names for nomination for public office at the primary thus called, shall file with the election commissioners within the time fixed to file delegations as provided in section 12 of this act, a petition duly signed by at least one hundred qualified electors of the city, or if from a district in such city, then at least twenty-five qualified electors of said district, and such petition shall state the full name of each candidate, his residence address, the office for which he seeks a nomination, and the political subdivision, city, or district, or ward in which he seeks such nomination. After all persons who desire to submit their names as candidates for nomination shall have filed their petition as above provided, the election commissioners shall apportion among such candidates, as nearly as may be, the expense of conducting said primary, taking into account only the sums of money necessary to pay the per diem of the primary judges and clerks, and all candidates thus submitting their names for nomination shall within three days after the last day fixed for filing their petitions, pay into the election commissioner's office, the amount assessed against them as their just proportion of such expense. Said election commissioners shall not place the name of any candidate for nomination on the official primary ballot who shall fail to fully comply with the provisions hereof. The judges, clerks and challengers, who serve at such primary shall be selected by the election commissioners from lists submitted by the managing committee of the party holding the same.

**SEC. 16. Ballots.**—If the call for such official primary election shall require nominations to be made by a delegate convention, the election commissioners shall prepare an official ballot on white paper of good quality, which shall contain the names of each delegation in any ward, grouped together, and side by side. Over each delegation shall be printed a caption designating the same, which in no case shall consist of more than three words. If the official call for such primary shall require candidates to be nominated by the direct vote of the electors, the election commissioners shall group the names of all the candidates for a given office together, with a caption above each set of candidates, designating the office for which they seek nomination, and all of said separate groups of candidates shall be printed on white paper of good quality, and in a single column. All ballots shall be printed plainly in good sized type and with black ink, and all printing on such ballots shall be of uniform size, excepting the captions thereon. After such official ballots for such primary election shall have been printed, the election commissioners shall securely keep the same and deliver to the

judges of each primary district within twenty-four hours preceding the time fixed for opening the polls at said primary, a sufficient number of said ballots to accommodate the electors in each primary district. Such ballots shall be by said election commissioners placed in the ballot-boxes, which boxes shall be securely locked, and the ballots and boxes shall be thus delivered to said judges. The judges of primary election shall not deliver to any elector, or other person, any of the ballots, until after the opening of the polls, and shall then deliver but one ballot to any elector, who shall vote the same, or return it to the judges before leaving their presence. In case an elector shall require a second ballot, he shall return the first one given him, and the same shall be by the judges openly destroyed before a second ballot shall be given him. All unvoted ballots, except those destroyed as above provided, shall be returned to the office of the election commissioners in the ballot-box not containing voted ballots, and the same shall be securely locked.

**SEC. 17. Registration books open to inspection.**—The primary registration books used at primary elections shall be returned with the ballot-boxes, keys thereof, and the registration books, together with the affidavits, certificates, and other papers in this act provided, and said registration books shall for thirty days thereafter, at all reasonable hours, Sundays and public holidays excepted, be open to the inspection of any citizen; and any elector who shall have voted at the primary election held by one party on any primary day shall not be permitted to vote at a primary election held by any other party during any one primary election period.

**SEC. 18. Opening of polls, and voting at official primary elections.**—**Subdivision 1.** The election commissioners in cities to which this act is applicable, shall within twenty-four hours prior to the time fixed for opening the polls at an official primary election, deliver to one of the judges appointed and qualified as required in this act in each primary district, two of the ballot-boxes used at general state elections, together with the keys to said boxes. Such ballot-boxes shall be securely locked, and one of them shall contain the official ballots for such primary district, as required in section 14 of this act, and said ballot-boxes shall not be opened until the hour of one o'clock p. m. on the day of such official primary. At said hour said boxes shall be opened, and the one found not to contain the ballots as aforesaid shall be publicly examined, and nothing shall remain therein. After such last named ballot-box shall be found to be entirely empty, the same shall be closed and securely locked, and the ballots of all electors voting at said primary shall be deposited therein. The judges shall then declare the primary opened, provided all of the judges and clerks appointed for such primary district are present. If any judge or clerk so appointed shall be absent, his place shall be filled as provided in section 12 of this act. When such vacancies, if any, shall be thus filled, the judges shall declare the primary opened. When any elector shall present himself to the judges, and declare his desire to vote, he shall announce his name, and residence, and if he shall be found to be duly registered in the primary registration books in his precinct, the judges of election, or a member thereof, shall deliver to him, unfolded, an official ballot. Thereupon and before voting, the elector shall retire into one of the booths of the polling place. Immediately upon entering such booth, the elector shall prepare his ballot by striking out with indelible pencil which shall be provided by the election commissioners, all but one of the delegations on the official ballot. The elector may strike out any name on the re-

maining delegation, and insert in lieu thereof any name appearing on any delegation stricken out. If the purpose of such primary is to nominate candidates by direct vote of the electors, each elector, on receiving his ballot in the manner above provided, shall retire into one of the booths and prepare his ballot by striking out all names on his ballot except the names of the candidates for whom he wishes to vote, but such ballot, when so prepared, shall not contain the name of more than one candidate for a given office. The elector shall, upon leaving such booth, be permitted to vote by delivering to one of the judges the ballot thus by him prepared, but the same shall be so folded that none of the printed or written matter on the inside thereof shall be visible. If any elector shall be unable to read or write, he may publicly request one of the judges of election to enter the booth with him and assist in preparing his ballot, but said judges shall alternate in rendering assistance to electors requesting the same. The ballot thus prepared shall be folded as above provided before it is delivered to the receiving judge. The judge to whom such ballot is delivered shall, unless the right of the elector offering to vote shall be challenged, at once and in the presence of the elector deposit the ballot in the proper ballot-box, and one of the judges of election shall immediately, in the presence of such elector, enter upon the poll-books in the proper column opposite his name the word "voted." If any challenger officiating at said primary polling place, or any judge or clerk officiating thereat, shall challenge the right of any elector to vote at such primary, the person making such challenge must state his grounds therefor, and one of the judges shall immediately, in the presence of such elector, enter in the proper column in the primary registration books the word "challenged," and the date thereof. Such challenge must be made before the ballot prepared by the elector shall have been deposited in the ballot-box. In case the right of an elector to vote be challenged, one of the judges of such primary shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions: "Are you.....?" (using the name which he has given as his name). "Do you reside at ....., and is such your present and only home?" (giving the address that he has given as his residence). "Are you a registered and qualified voter of the election precinct in which you now reside?" "Are you a .....?" (giving the name of the party holding the primary). If such elector shall make oath that he will truly answer such questions, and shall answer in the affirmative each of the questions above given, one of the judges shall immediately enter, in the proper column in the primary registration books, in the presence of the elector, the words "oath administered," and the ballot of such elector shall then be received and deposited in the ballot-box: *Provided, however,* that any challenger, judge, or clerk, making challenge of the right of such elector to vote may require a further identification of such elector by comparison of his signature, and in such case the judges shall require the elector to sign his name on slips provided therefor made of white paper and of good quality, and the judges shall thereupon compare the signature thus written by such elector with the signature opposite the name on which such elector offers to vote on the original primary election books. If the judges after making comparison shall believe that such challenged elector is entitled to vote, they shall receive his ballot and deposit the same in the proper ballot-box, and one of the judges shall immediately enter

in the proper column in the primary registration books, in the presence of such elector, the word "voted." If such elector shall fail in any way to comply with the above provisions he shall not be allowed to vote at such primary. Each ballot shall have written on the back thereof the initials of at least two of the judges before the same is offered to the elector, but such ballot shall not be marked for identification in any other way. No person shall cast more than one ballot. The judges shall declare the primary election closed promptly at the hour of eight o'clock p. m. on such primary day.

**Subdivision 2.** From the time of the opening of the polls until the result of the canvass of the votes cast thereat shall have been announced, and the official statement of such canvass shall have been duly signed, the ballot-box and all ballots shall be kept within the polling place. No person shall be admitted within the polling place during such period, excepting primary election judges and clerks, and duly authorized watchers or challengers, except persons duly admitted for the purpose of voting, officers admitted by the judges to preserve order or enforce the law, and persons admitted under the provisions of subdivision 3 next following.

**Subdivision 3.** Watchers, not exceeding one for each election district, may be appointed by any political committee, and by two or more persons whose names are upon any delegation or ticket to be voted for at such primary election by direct vote. Such watchers may be present at such polling place and within the same from at least fifteen minutes before the opening and examination of the ballot-boxes at the opening of the polls at such primary election until such primary is declared open by the judges; said watchers shall then retire from the polling place, but shall have free communication with the challengers therein, and when the polls are declared closed by the judges said watchers may re-enter the polling place and there remain until after the announcement of the result of the canvass of the votes cast thereat and the signing of the statement thereof by the judges. Electioneering shall not be allowed within any polling place, nor shall it be allowed within fifty feet of the door through which electors desiring to vote shall enter. No police officer, or deputy sheriff, or other peace officer shall remain within any polling place except when called in by one of the judges, and then only so long as may be necessary to quell actual or threatened breaches of the peace, or enforce the law. Any candidate being voted for for nomination for public office at any primary may be his own watcher if he so desires.

**SEC. 19. Canvass of votes.—Subdivision 1.** As soon as the polls at any official primary election shall close the judges of election shall forthwith publicly canvass and ascertain the result thereof, and they shall not adjourn or postpone the canvass until it shall have been fully completed. All questions touching the validity of ballots or their conformity with the provisions of this act shall be determined by said judges. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public, and in plain view of the watchers representing the parties as hereinbefore provided. The judges shall proceed to canvass the vote by counting the total number of ballots found in the box to have been voted, and comparing the number of ballots so found to have been voted with the number of electors marked "voted" on the original primary registration books. They shall then proceed to count the number of votes received by all persons voted for by direct vote of the people for any office, and make out a

statement which shall be signed by them showing the total number of votes cast for each such person running for a particular office named and shall certify the result over their own signatures to the election commissioners immediately after such canvass is completed. In case the purpose of such primary shall be to elect delegates to a political convention, said judges shall first verify the number of ballots voted in the ballot-box with the number of electors marked "voted" on the original primary registration books, and they shall thereafter canvass the number of votes cast for each person whose name is voted for at such primary for delegates to any convention, and immediately certify to the election commissioners over their own signatures the names of all persons voted for as delegates and the number of votes cast for each. If two or more ballots shall be found in the ballot-box so folded together as to present the appearance of a single ballot they shall be destroyed, if the whole number of ballots in such box exceed the whole number of electors marked "voted," as shown by the registration books, and not otherwise. If any ballot shall be rejected as void, the reason for such rejection shall be written on the back thereof by one of the judges, or by the clerk of election at the direction of one of the judges. All ballots returned as void shall be secured in a separate sealed package, which shall be endorsed on the outside thereof with the names of the judges, the designation of the election districts and the ward, and the number and kind of ballots contained therein. Such package shall be filed by the judges of election, together with the original statement of the canvass, with the election commissioners.

**Subdivision 2.** Immediately upon the completion of such canvass the judges in each primary district shall make public oral proclamation of the result thereof, and shall make a written statement of such result for such primary district in said ward, and also a duplicate thereof, which shall be known as the duplicate statement. Immediately after the completion of such statements, the judges shall file the original thereof with the election commissioners, together with all ballots marked "void" as hereinbefore provided and shall post the duplicate statement in a conspicuous place in said polling place, and it shall be unlawful for any person or persons to in any way tear down, or remove, or deface, or displace, or destroy said duplicate statement so posted, for three days after the date when such primary election is held.

**Subdivision 3.** At all reasonable times any elector shall have reasonable opportunity to make a transcript of such statement or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election, so far as he is concerned, in any one or more primary districts in such city. After the close of the canvass of the votes at primary elections, the ballots cast thereat except those rejected as void, shall be placed in one of the ballot-boxes, which at the time shall be empty, and such ballot-boxes shall then be securely locked and sealed, and shall be returned to the election commissioners from whom such boxes were received, who shall safely keep the same; subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after the primary election, when the ballots shall be removed and, without examination, be destroyed.

**Subdivision 4.** The election commissioners shall forthwith proceed to canvass the statements so filed, and shall forthwith declare the results of such primary election, which result shall be entered of record in the office of such commissioners in a book to be provided therefor,

which book shall be open at all reasonable times to the inspection of the public. In case the purpose of said primary shall be to elect delegates to any political convention, the election commissioners shall issue certificates duly signed and sealed, certifying to the election of each delegate who is entitled to admission as a delegate to the convention, as shown by the results of said primaries, and such certificate so held by such delegate shall entitle him to a seat in such convention and to participate in the preliminary organization thereof. In case the purpose of said primary is to vote for the nomination of a candidate or candidates for public office, or for committeemen of any political party, by direct vote of the people, the election commissioners shall issue a certificate to the person having received the highest number of votes for any office in the city if such primary is confined to the entire city, and in a district if confined to a district, and in a ward if confined to a ward, and such certificate so issued, signed, sealed and delivered to such candidate shall be *prima facie* evidence of his nomination for the office therein named.

**SEC. 20. Judges and clerks to sign returns.**—No judge or clerk of primary election shall, without reasonable cause, refuse to join in signing and certifying, with such objections as he may wish to note, the returns of any primary, or in any way interfere with the returning to the board of election commissioners of any ballots, books, lists, papers and boxes pertaining to such primary.

**SEC. 21. Committees and rules and regulations of parties.**—**Sub-division 1.** Each party shall have a general committee for each county to which this act is applicable, and the city of St. Louis shall be construed as a county for the purposes of this act. Any party may also have committees in and for such other political subdivisions of such county or cities as the rules and regulations of such party may prescribe. All members of general committees, including congressional, and senatorial district committees, chosen in and for any city or district to which this act is applicable, shall be elected biennially at the primary elections on the day of primary for nominating candidates, or electing delegates to delegate convention to nominate candidates for circuit judge, sheriff, and other county officers: *Provided, however,* that in all cities and counties to which this act is applicable, there may be called a primary election prior to the first official primary day held under the provisions of this act, at which there may be elected members of all political committees for such cities, or political subdivisions thereof, which primary election shall only be called by authority of the now existing political committees of such cities. In case a primary or primaries shall be called for the purpose of electing such committeemen to represent any political party prior to first official primary day under the provisions of this act, such special primary election so called shall be subject to all the provisions of this act and shall be conducted under the provisions of this act, except the expenses thereof shall not be paid as herein provided for the payment of the expenses of official primaries.

**Subdivision 2.** The rules and regulations of parties and of the conventions and committees thereof shall not be contrary to or inconsistent with the provisions of this act, or of any other law of this state, and shall not be amended except upon reasonable notice. Every political committee shall, within ten days after its organization, file with the election commissioners a certificate specifying the names and addresses of its chairman and secretary. If any change shall thereafter

be made as to either of said officers, a like certificate shall be filed with said commissioners.

**SEC. 22. Conventions.**—The delegates to every party convention in and for any city to which this act is applicable, or district in such city, shall be apportioned among the wards in such city, or district, as nearly as possible upon the basis of the number of votes cast therein for the party candidate for governor at the last preceding general election, or for supreme judge, if the office of governor was not filled at such general election. If the boundaries of any such ward or district shall have been changed since the last preceding general election, the party vote for governor or supreme judge, at such election within the limits of such newly constituted ward or district shall be estimated as closely as possible, and the apportionment of delegates shall be made in accordance with such estimate. The room designated for the meeting place of any convention shall have ample seating capacity for all delegates and alternates. Every convention shall be called to order by the chairman of the committee from whom the call originates, or by a person designated in writing for the purpose of such chairman, and such chairman or person so designated shall have the custody of the roll of the convention until it shall have been organized. No convention shall proceed to the election of a temporary chairman or transact any business until the time fixed for the opening thereof has arrived and at least a majority of the delegates named in the official rolls shall be present. The roll call upon the election of a temporary chairman shall not be delayed more than one hour after the time specified in the call for the opening of the convention: *Provided*, a majority of the delegates are present. The temporary chairman of the convention shall be chosen on a call of the roll. The person who calls the convention to order shall exercise no other function than that of calling the official roll of the delegates upon the vote for temporary chairman and the declaring of the result thereof. The committees of a convention shall be appointed by the convention, or by the temporary chairman, as the convention may order. Unless the convention shall otherwise order, the permanent chairman shall be chosen on roll call. The permanent officer shall keep the records of the convention, and within forty-eight hours after the adjournment thereof, shall certify and file the same in the office of the election commissioners. Before entering upon their duties, the temporary and permanent chairman of every convention, and the chairman of any committee on contested seats therein, shall respectively take an oath to faithfully perform the duties of their offices, which oath may be taken before any officer authorized by law to administer an oath, and shall form a part of, and be filed with, the records of the convention. Each convention shall decide all questions as to contested seats therein.

**SEC. 23. Jurisdiction of and review by the courts.**—Any action or neglect of the officers or members of a political convention or committee, or of any judge or clerk of primary election, or of any public officer, or board, with regard to the right of any person to participate in a primary election, convention or committee, or to register, or with regard to any right given to, or duly prescribed for, any elector, political committee, political convention, officer or board, by this act, shall be reviewable by the appropriate remedy of mandamus or certiorari, as the case may require. In addition thereto, the supreme court of this state, or any justice thereof, or the court of appeals having jurisdiction over any city to which this act is applicable, or any judge of such court of appeals, or the circuit court of any such city, or any judge of such

circuit court, shall have summary jurisdiction, upon complaint of any citizen, to review such action or neglect. Such complaint shall be heard upon such notice as the said court or justice or judge thereof shall direct. In reviewing such action or neglect, the court or justice or judge shall consider, but need not be controlled by any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and make such decision and order as, under all the facts and circumstances of the case, justly may require. For any of the purposes of this section, service of a writ of mandamus, certiorari, order or other process of such court, or justice or judge thereof, upon the chairman or secretary of such convention, committee or board shall be sufficient.

**SEC. 24. Optional to certain parties.**—No party which at the last preceding election of a governor or supreme judge, cast less than ten thousand votes for governor or supreme judge, shall be subject to the provisions of this act, unless, on or before the first day of May, in any year, such party shall elect to come in under the same. The evidence of such election shall be a certificate filed by the chairman and secretary of the state committee of such party with the election commissioners in each city in this state to which this act is applicable. In case such a certificate shall be so filed, the party on behalf of which it is filed shall be subject to the provisions of this act on and after the date of filing the same with said election commissioners and thereafter its registration primary elections, conventions and committees shall proceed, in accordance therewith, until such time as a certificate of its election to be no longer subject to the provisions of this act shall be filed with the officers above mentioned.

**SEC. 25. Crimes and punishments.**—Misdemeanors at, or in connection with, political caucuses, primary elections, registrations, committees and conventions. Any person who:

1. At a political caucus, or at a primary election of a party, willfully votes, or attempts to vote without being entitled to do so, or votes, or attempts to vote on any name other than his own, or more than once on his own name; or

2. Votes, or attempts to vote, at a political caucus or at a primary election of a party, having voted at the political caucus or primary election of any other political party in any one primary period, or votes, or attempts to vote, at the primary election of a party other than the party to which he belongs; or

3. At a political caucus, or at a primary election, for the purpose of affecting the result thereof, votes or attempts to vote, two or more ballots, or adds or attempts to add any ballot to those lawfully cast by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or who adds to or mixes with, or attempts to add to or mix with, the ballots lawfully cast, another ballot or other ballots before the votes have been counted or canvassed, or while the votes are being counted or canvassed; or at any time abstract any ballots lawfully cast, with intent to change the result of such election, or to change the count thereat, in favor of or against any person or persons voted for at such election, or to prevent the ballots being recounted or used in evidence; or carries away, destroys, loses, conceals, detains, secretes or mutilates, or attempts to carry away, destroy, conceal, detain, secrete or mutilate, any tally lists, ballots, ballot boxes, registration books, certificates of return, or any official documents provided for by the primary election law, or otherwise by law, for the

purpose of affecting or invalidating result of such election, or destroying evidence; or any manner interferes with the officers holding any primary election or conducting the canvass of the votes cast thereat, or with voters lawfully exercising, or seeking to exercise, their right of voting at such primary election; or

4. For the purpose of being allowed to vote at a primary election as a member of a political party, makes and files, or makes or files, with the election judges, or with any other public officer, or the election commissioners, a false declaration of party affiliation or residence, or falsely answers any pertinent questions asked him by the election judges, or by any public officer, or the election commissioners; or

5. Fraudulently or wrongfully does any act tending to affect the result of any election at a political caucus or of a primary election or convention; or

6. Induces, or attempts to induce, any officer, teller, canvasser, or primary election judge or clerk at a political caucus or primary election or convention, to do any act in violation of his duty, or in violation of the election law or the primary election law; or

7. Directly or indirectly, by himself or through any other person, pays or offers to pay, money or other valuable thing, or promises a place or position, or offers any other consideration or makes any other promise, to any person, to induce any voter or voters to vote, or refrain from voting at a political caucus, primary election, or convention, for or against any particular person or persons, or does or offers to do anything to hinder or delay any elector from taking part in or voting at a political caucus or at a primary election; or

8. By menace or other unlawful or corrupt means, directly or indirectly influences or attempts to influence the vote of any person entitled to vote at a political caucus, primary election or convention, or obstructs such person in voting or prevents him from voting thereat; or

9. Directly or indirectly, by himself or through any other person, receives money or other valuable thing, or a promise of a place or position, before, at or after any political caucus, primary election or convention, for voting or refraining from voting, for or against any person or for voting or refraining from voting at a political caucus, primary election or convention; or

10. Being an officer, canvasser, primary judge or clerk at a political caucus or at a primary election, knowingly permits any fraudulent vote to be cast, or knowingly receives and deposits in the ballot-box any ballots offered by any person not qualified to vote; or

11. Being an officer, election commissioner, election judge, poll clerk, primary judge or clerk, knowingly registers, or attempts to register, upon any of the primary registration books, any person not qualified to register, or fraudulently enters thereupon, the name of any person, or refuses or willfully neglects to register upon any of the primary registration books the name of any qualified person who has demanded to be registered, or at any time strikes from any of the registration books the name of any person duly registered, or at any time adds to any of the registration books the name of any person not qualified to be registered, or mutilates, alters or destroys, any statement or declaration made by a qualified voter for the purpose of registering or voting; or

12. Being an officer, canvasser, election judge, primary judge or clerk, or election commissioner willfully omits, refuses or neglects to do any act required by the primary election law, or otherwise by law,

or violates any of the provisions of the primary election law, or makes or attempts to make any false canvass of the ballots cast at a political caucus, primary election or convention, or a false statement of the result of a canvass of the ballots cast thereat; or

13. Being an election commissioner, or an officer of a political committee, or of a convention, who is charged with, or assumes, the duty of making up the preliminary roll of any convention, willfully includes in such roll the name of any person not certified to be elected thereto in accordance with the provisions of law, or who willfully omits from such roll the name of any person who is so certified to be a delegate to such convention; or

14. Who tears down, removes, defaces or destroys or displaces, or attempts to tear down, remove, deface or destroy, or displace the duplicate statement of the result of any primary election, posted up in the polling place where such primary has been held, in accordance with subdivision 2, of section 8 of this act; is guilty of a misdemeanor, punishable by imprisonment for not more than one year; not less than six months, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

## REGISTRATIONS AND ELECTIONS IN CITY OF ST. LOUIS— LAWS 1903.

(Repeals Art. VIII, Chap. 102, R. S. 1899, and amendatory acts.)

**SECTION 1. Registration of voters.**—In all cities of this state now having or which hereafter may have three hundred thousand inhabitants or more, there shall be a registration of all the qualified voters, and said registration and the mode of conducting the elections held in such cities shall be governed and controlled as provided herein, and be subject to all the provisions of the other election laws of this state, so far as the same are not inconsistent or in conflict herewith.

**SEC. 2. Board of election commissioners created—how and by whom appointed—vacancies, how filled—duties of governor—qualifications and duties of commissioners.**—There is hereby created a board of election commissioners for each city governed by the provisions of this article, composed of three members, who shall be appointed as follows: Within thirty days after this article becomes a law the governor, by and with the advice and consent of the senate, shall appoint for each of such cities three members, who shall hold their office until January 15th, 1905, and until their successors are commissioned and qualified. Successors shall be appointed in like manner, and their term of office shall be four years, and until their successors are commissioned and qualified. One of said commissioners shall be a member of and belong to the leading party politically opposed to that to which the governor belongs. In making the appointment of commissioners, the governor shall designate the commissioner who shall be chairman of the board of election commissioners of such city. In case of vacancy for any cause in said board, the same shall be filled by the governor for the unexpired term until the assembling of the next legislature, when the name of said commissioner shall be submitted to the senate by the governor for confirmation, as those of the other commissioners when appointed. Such commissioners shall

be legal voters, residents of the state for at least five years, and of such city for a like term and be of approved integrity and capacity; they shall hold no other office, and shall be ineligible to any elective or appointive office during their term of office, and shall, before entering upon the duties of their said office, take and subscribe an oath to support the constitution of the United States and of this state, and to demean themselves faithfully and impartially in office, and each to give bond to the state in the sum of ten thousand dollars with security to be approved by the governor, conditioned for the faithful and honest performance of the duties of his said office, and the care and preservation of the property thereof. Said oath of office and bond to be filed in the office of the secretary of state. Said election commissioners shall make all necessary rules and regulations, not inconsistent with this article, with reference to the registration of voters and conduct of elections; and shall have charge of and make provisions for all elections, general, special, local, municipal, state and county and of all others of every description to be held in such city or in any part thereof at any time.

**SEC. 3. Board shall print rules and regulations—records open to inspection—shall print and furnish on demand all official data—board shall make report after each election—registry book for precincts.**—Said board of election commissioners shall print all necessary rules and regulations not inconsistent with this article, having reference to the registration of voters and the conduct of elections, and shall prescribe (except where the form of any affidavit is prescribed in this article) and furnish the forms of all affidavits required under this article. All books, papers and records in their office shall be subject to the inspection of any qualified voter of the city at all reasonable times. Said board shall cause to be kept in their office the following printed official data, and furnish the same to any qualified voter on demand at the office of the board of election commissioners:

1st. Printed pamphlets or lists showing in numerical order ward boundaries, and in each ward in numerical order precinct boundaries, including statement of location of places of registration and election polling places of each of such precincts, so arranged that the information pertaining to any precinct may be detached.

2nd. Printed lists showing wards and precincts in numerical order, and the names and residences of the judges and clerks of registration and election of each precinct, and the political party to which each belongs.

3rd. Separate printed lists, by precincts, showing names of qualified voters, alphabetically arranged, as they appear on the registry books; giving name, number of line in registry books and residence of such voter, at the time such registry books are delivered to the election commissioners by the precinct registrars at the close of registration.

4th. Similar separate printed supplementary lists, by precincts, of names added as qualified voters to the registry books by precinct registrars.

5th. Also similar supplementary lists, by precincts, of names erased from the registry books by precinct registrars.

6th. Also similar printed supplemental lists, by precincts, of voters added, restored or erased by the board of election commissioners.

7th. Also similar printed supplemental lists, by precincts, of voters added or restored by the court.

8th. Also similar [printed] supplemental lists, by precincts, of voters added by the election commissioners or the courts, and whose names do not appear on the regular registration lists.

9th. Also similar printed supplemental lists, by precincts, of voters shown by the registry books, to be qualified, but who did not vote on election day. The board shall require registration officers to make report just before their final adjournment, on forms to be prescribed and furnished by the board, of the general conduct of the public, the peace officers, the registration officers and applicants for registration during the days of registration. Any judge or clerk of registration shall, at the same time or within five days thereafter, make separate report of anything which he may think either the said board or a majority thereof should be advised. Similar reports, on forms to be prescribed and furnished by the board, shall be made by the judges and clerks of election before their adjournment on election day; and within five days thereafter any judge or clerk may make a like separate report to the said board. Such reports shall be carefully preserved by the said board of election commissioners, and shall be subject to public inspection. Within ninety days after each election the board shall make a comprehensive report, and any member thereof may make a separate report, to the governor of the state of everything of public interest relating to the preceding registration and election, and the workings and administration of the election laws; and a copy of such reports shall be at once delivered to the mayor of the city, who, after reviewing them, may make such written suggestions and recommendations to the governor concerning the report and the registration and election, and the operation and administration of the election laws, as he may be advised. Such report of the board, and suggestions and recommendations of the mayor, shall be subject to public inspection, and shall be printed by the board for the information of the voters of the city. Two registry books for each precinct in the city shall be provided by the board of election commissioners for the purpose of registration in such precinct, prepared substantially in the form as provided in this article. In one of the registry books the applicant for registration shall sign his name or make his mark if unable to write, and have the same witnessed, in the column for that purpose, and this registry shall be known as the original registry book. The other registry book shall be an exact copy of the original and shall be known as the duplicate of the original registry book. Such registry books shall be kept in the office of the board of election commissioners, except on such days as they are in the custody of the precinct registration officers, as provided in this article. During the days of registration such registry books shall be in the custody of the judges and clerks of registration, and the public registry books shall be subject to the inspection of any resident of the precinct. At the close of each day's registration the said duplicate registry book shall be compared by the judges and clerks of registration, and made to conform to the original registry book.

**SEC. 4. Secretary of commissioners—powers and duties.**—Such election commissioners shall appoint a secretary of the board who shall hold his office during the pleasure of said commissioners, and he shall give a bond to the state in the sum of five thousand dollars, with security to be approved by the commissioners, conditioned for the faithful and honest performance of the duties of his said office, and shall exercise a general supervisory control and direction over the office and clerical force appointed by said commissioners, subject to such rules and regulations as the board may from time to time provide, and such clerical force, as far as possible, shall be divided between the two political parties and appointed and approved as hereinafter provided in the case of judges and clerks of election; both as regards the duties to be performed by such

clerks, and as to the number. Such commissioners shall have the right and may employ additional clerical force and other assistants from time to time as may be necessary to promptly and carefully perform the duties of the office, to be appointed, divided and approved in like manner. Said secretary and employees shall be subject to the same restrictions and take and subscribe like oaths as said commissioners, and file the same in the office of the city register, and a copy of the same in the office of the commissioners of election. Commissioners, secretary and judges of elections and registration, and clerks employed in the office of said commissioners, are hereby authorized and, upon application to them by the affiant, directed to administer all oaths and affirmations pertaining to the administration of the duties of their several offices and in the affairs and business thereof and certify to such oaths, when the same are signed, free of charge.

**SEC. 5. Office of commissioners—shall provide ballot-boxes, etc.—duties.**—The office of such board of election commissioners shall be in the city hall of such city, and shall be kept open for the transaction of the duties and business of said office during business hours. Said election commissioners shall purchase and provide all necessary ballot-boxes and all books of registration, poll-books, tally-sheets, ballots, blanks and stationery of every description with printed headings and certificates and other necessary and proper equipment for the registration of voters and the conduct of such elections, and for every incidental purpose connected therewith; and shall select and appoint the places of registration and also the polling place in each precinct, and cause the same to be fitted up, warmed, lighted and cleaned, and such place or places shall be located in the most public, orderly and convenient portion thereof. And no room shall be designated or used in which spirituous or intoxicating liquors are sold.

**SEC. 6. City to be divided into election districts.**—It is hereby made the duty of such board of election commissioners for such cities within ninety days after taking effect of this section, to divide such cities into election precincts, regarding ward lines and composed of compact and contiguous territory, which shall contain as nearly as practicable three hundred actual voters; and in making such division and establishing such precincts, such commissioners shall take as a basis the poll-books of the number of votes cast at the last preceding presidential election. At least six months before each subsequent presidential election the election commissioners shall revise and rearrange the precincts and increase or decrease their number on the basis of the votes cast at the previous presidential election for president, making such precincts to contain, as near as practicable, three hundred voters, measured by the vote of such election. The precincts in each ward shall be numbered consecutively.

**SEC. 7. Judges and clerks to be selected—qualifications.**—Such board of election commissioners shall, ninety days prior to the first city or state election after this act becomes a law, and each two years thereafter, select and choose four qualified voters as judges of election for each precinct in such city; they must be citizens of the United States; must be men of good repute and character; able to read and write the English language, be of good understanding and capable; they must have resided in the precinct for which they are selected to act not less than thirty days before their appointment, and be entitled to vote therein at the next election, and not hold any office or employment under the United States, the state of Missouri, or the city in which such election is held, and not be candidates for any office at the next ensuing

election; two clerks of election for each precinct shall also be selected within the same time, and their successors each two years thereafter, by such commissioners, who shall possess the same qualifications as the judges aforesaid. Before entering upon the duties of their offices, each judge and clerk so appointed shall take and subscribe to a like oath as that taken and subscribed by the election commissioners and file the same in the office of the election commissioners. Said judges and clerks shall be appointed for a term ending ninety days prior to the next state election after the election at which they were appointed to serve, and shall during said term serve as judges and clerks at all special, local or municipal elections in such cities; where a vacancy in the office of judge or clerk shall occur from any cause, said commissioners shall make an appointment as herein provided to fill such vacancy. Two of said judges and one of said clerks of election shall belong to and be members of the political party which at the last general state election for state officers polled the highest number of votes for governor, and two of said judges and one of said clerks of election shall belong to and be members of the political party which at said last state election polled the next highest number of votes for governor; and the names of two of said judges and one of said clerks shall be designated by the election commissioner, or commissioners, belonging to and a member or members of the same political party as such judges and clerks, subject to ratification by the board of election commissioners; but said board of election commissioners shall accord to each of the aforesaid political parties equal representation in the appointment of judges and clerks. If any person holding the position of judge or clerk of election is found not to possess all qualifications prescribed in this section, or if any such judge or clerk shall be guilty of neglecting the duties of the place, or be guilty of any official misconduct, then such person shall be removed from office by the commissioners, and any such vacancy shall be immediately filled by the appointment of a person having the same qualifications as the person whose place he fills, as hereby required, who shall be selected and appointed as this section provides.

**SEC. 8. Names of judges and clerks to be published—qualifications of any judge or clerk may be objected to—board to hear objections.**—At the time of such appointment of judges and clerks, the board of election commissioners shall publish for one day in two newspapers published in such city, of opposite politics, in the English language, each having a daily paid circulation of not less than twenty thousand copies, a notice, stating that the persons mentioned below have been appointed to act as judges and clerks in the various precincts enumerated, at all elections to be held for two years following such notice, and should have the qualifications by law required herein for judges and clerks, setting forth the same, and to which party they are respectively supposed to belong, and requesting all persons to inform the election commissioners as to any want of qualification on the part of any judge or clerk mentioned; that on a day named in said notice, which shall be not more than five days after the day of publication, the board of election commissioners will sit at its office for the purpose of examining into any objections made as to the qualifications of any judge or clerk; said notice shall further state the hours of said session, which shall be from nine to twelve a. m. and from two to ten o'clock p. m., and shall further state that if all objections to the qualifications of judges and clerks are not disposed of on said day, it will sit from day to day between the same hours, until the same are all determined; and further, that any person

found disqualified upon such information will be removed and a duly qualified person appointed in his stead. On the day and at an hour named for the beginning of such session, the election commissioners shall meet at their office and consider the objections made to the appointment of each judge and clerk, beginning with the lowest numbered precinct of the first ward and continuing in regular number to the highest precinct of the ward of the highest number; the commissioners may examine any person appearing before them under oath; they shall decide each case as soon as the evidence therein is before them, and announce their decision, announcing also the dissent of any commissioner if the decision of the board is not unanimous; a minute shall be made of such decision, setting forth all objections made against any judge or clerk, and the finding of the majority thereon, and of the dissenting member, if there be any dissent; if all objections to judges and clerks are not concluded on said day, the commissioners shall sit from day to day, between the same hours, and at the same place until all such objections are disposed of; all judges and clerks found to be disqualified upon such hearing shall be immediately removed and persons having the necessary qualifications appointed in their places, divided between the two political parties as provided for herein. Within twenty days after the last of said sessions the election commissioners shall cause all the judges and clerks appointed, who have not been removed or excused from service for good cause, as provided herein, to be qualified so far as it is possible for them to do, and any vacancies then existing shall be filled by said commissioners in the same manner as heretofore provided for the appointment of judges and clerks; such notice shall also set forth the wards in numerical order, and under each ward its precincts in like order, and under each precinct the street and number of the place of registration for such precinct. Said notice shall contain under each place of registration the word "judges," and under it the names of the judges appointed to serve in that precinct, with their respective places of residence; next, the word "clerks," followed by the names and places of residence of the various clerks appointed to serve in that precinct.

**SEC. 9. Notice of registration days, etc.**—It shall be the duty of such election commissioners to give notice by publication on Friday and Saturday preceding the first day of registration provided for herein, in two daily newspapers of such city, of opposite politics, in the English language and having a daily paid circulation of not less than twenty thousand copies, of the time and place of registration in each precinct of the city.

**SEC. 10. Registration days—registration books.**—The judges of election aforesaid shall constitute the board of registry in the precinct for which they are appointed. There shall be four days for registration, as follows: Monday, Tuesday, Wednesday and Thursday of the seventh week prior to election, and upon which days the judges and clerks shall meet in their respective precincts. A new general registration shall be made in every year in which a presidential election occurs, and just prior thereto. Two registry books shall be provided and furnished to each board of registration by the said election commissioners for the purpose of said registration; the headings to the book shall be so prepared that the registry shall be made alphabetically according to the surname of each person applying, but it shall be arranged so that the residence of such person shall appear in the first column. The register shall be ruled, and one name shall be written on each line, but no name shall be written between the lines. Under the column "residence," the name and number

of the street, avenue, or other location of the dwelling, if there be a definite number, and if there shall not be a number, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house he resides, and if there be more than one family residing in said house either the floor on which he resides, or the number or location of the room or rooms occupied by him, whether front or rear—every floor below the level of the street or ground being designated as the basement, the first floor above such level being designated as the first floor, and each floor above that as the second or such other floor as it may be. Under the column "name," the name of the applicant, writing the surname first, and given or Christian name after in full. Under the column "nativity," the state, county, kingdom, empire or dominion, as the fact stated by the applicant shall be. Under the column "color," the word "white" or "colored," as the fact is. Under the column "age," the age of said applicant, and under the column "occupation," the occupation of said applicant. Under the subdivision of the general column "term of residence," the periods, by days, months, or years, stated by the applicant in precinct, city and state. Under the column "native," the word "yes;" under the column "naturalized," the word "yes," according to the fact stated. If the applicant be of foreign birth, and has not been naturalized, but has made a declaration of intention to become a citizen, then under the column "declaration of intention," the word "yes." Under the column "qualified voter," the word "yes" or "no" as the fact shall appear or be determined by the board of registry, it being however, required of them to designate as a qualified voter any male person who, if otherwise qualified, shall not at the time of making application, be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his application, and not later than the day of election immediately following such time of applying, or, if foreign born, whose declaration of intention to become naturalized will have been made one year and not more than five years before such election. Under the column "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election precinct. Under the column "signature," in one of the registers, the applicant shall write his name. If he is unable to write he shall make his mark after his name is written for him. And his signature shall be witnessed by one of the judges.

**SEC. 11. Precinct board of registry—duties.**—In the registration of voters, said board of registry shall proceed as follows: They shall open the registration office at eight a. m., and continue in session until nine p. m. on each of said days. One of the judges shall administer to all persons who shall personally apply to register the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, age, occupation, your qualifications as an elector, and your right as such to register and vote under the laws of this state, so help you God. Each of said clerks of election and one of said judges of election shall have charge of the registry books and shall make the entries therein required by this article, and one of the judges shall ask the questions as to qualifications, and after he is through any of the judges may ask questions, one of the judges of election may, when necessary, relieve one of the clerks from time to time, as necessity may seem to demand, in making entries in said book. The

name of every applicant shall be entered in such registry books, and all the facts shall be therein stated, as herein provided, whether he is entitled to vote or not. If it shall be determined by the board of registry that he is not a qualified voter in such precinct, then an entry shall be made in the appropriate column "no," and if qualified an entry shall be made in the same column "yes." Unless a majority of the judges shall determine the applicant is a qualified voter he shall be entered as not qualified, subject to the applicant's right of appeal as herein provided. Only such male persons, of the age of twenty-one years, residing in such precinct, as apply personally for registration, or who qualify by affidavit, as provided in this article, shall be entered in such register; but every applicant who would be twenty-one years of age on the day of the next election, or, if foreign-born, whose declaration of intention to become naturalized will have been made one year and not more than five years before such election, if otherwise qualified, shall be entered on such register. Every applicant who has commenced to reside in such precinct at least forty-seven days before such election shall be entered in such registry, and shall be marked "qualified" or "disqualified," as the case may be; but unless on the day of election he resides in such election precinct, he cannot vote therein, although otherwise qualified. At the end of the day's registration each of said judges shall sign his name at the end of the list on each page of the registration book. Any vacancy upon such board of registration on any day of registration by reason of absence, disqualification, refusal to act or otherwise, of any judge or clerk of election, shall be filled by the judge or judges present and the same oath shall be administered by one of the judges present to such judge or clerk as provided for regular judges and clerks. The judge or clerk so appointed shall be of the same politics as the judge or clerk he succeeds.

**SEC. 12. Qualifications of voters.**—Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, is not less than one nor more than five years before he offers to vote, who is over the age of twenty-one years, who has resided in the state one year next preceding the election at which he offers to vote, and during the last sixty days of the time shall have resided in the city where such election is held, who has not been convicted of bribery, perjury or other infamous crimes, or of a misdemeanor connected with the exercise of the right of suffrage, nor any officer, soldier or marine in the regular army or navy of the United States, nor while kept at any poorhouse or other asylums at the public expense, nor while confined in any public prison shall be entitled to vote at such election, for all officers, state or municipal, made elective by the people, or at other elections held in pursuance of the laws of the state, but shall not vote elsewhere than in the precinct where he resides and is registered.

**SEC. 13. Challenges—appeals.**—Any voter of the precinct shall be permitted to be present at the place of registration in said precinct, and shall have the right to challenge any applicant who applies to be registered; but if the board is satisfied that such person is a qualified voter, he must be so registered.

**SEC. 14. Verification lists—challenges.**—The election commissioners shall prepare and furnish to the board of registration in each precinct, three blank-books, to be known as "verification lists," each page to be ruled into columns, and contain pages sufficient for each street, avenue and alley in the precinct. During the progress of registration, or immediately thereafter, the clerks of said board shall transfer all the

names upon the register to the left-hand pages of such "verification lists," arranging them according to the street, avenues, alleys or courts, beginning with the lowest residence number, and placing them numerically, as nearly as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley or court at the top of the second column and then proceed to transfer the registered names to the pages of such "verification lists," headed "registered names," according to the street number as above indicated. If, during either day of registration, a registered voter of the ward shall come before the board of registry and make oath that he believes that any particular person upon such registry is not a qualified voter, such fact shall be noted; and after the completion of such "verification lists," such board or one of said judges, shall make a cross or check mark in ink opposite such name upon each of said "verification lists." If such judge shall, however, know that any person so complained of is a qualified voter, and shall believe that such complaint was only made to vex and harass such qualified voter, then such cross or checked mark shall not be put upon such list. The board of registration shall return the two registers to the office of the board of election commissioners not later than 8 p. m. of the day following the fourth day of registration. The three verification lists shall be given to said clerks at the close of the last day of registration.

**SEC. 15. Precinct canvassers—duties.**—The clerks of election are hereby constituted canvassers of the precincts for which they are appointed, and, upon the Friday and Saturday of the seventh week prior to said election, if so much time shall be required, said two clerks shall, each having one of said verification lists, go together and canvass such precinct, calling at each dwelling place or each house where any one may reside in such precinct, and each dwelling place as indicated upon said "verification lists," and if they shall find that any person upon their "verification lists" does not reside at the place designated thereby, they shall make a check mark opposite such name. In making such canvass, such canvassers shall make special inquiry at the residences as designated in the registry and "verification lists," as to all the persons so registered as qualified voters. Said clerks shall meet at eight o'clock in the forenoon of each day of said canvass, and proceed with such canvass. If either of said clerks shall fail to appear at the place designated by fifteen minutes after eight o'clock, on either of said days, the clerk appearing shall immediately notify the election commissioners of said failure to appear, and upon such notification, or upon being otherwise so informed, the election commissioners shall immediately appoint a clerk, of the same politics, in place of the one absent or failing to act; and if both of said clerks fail to appear within the time mentioned then the board of election commissioners, upon being informed of such failure, shall appoint two clerks of different politics in the places of those absent or failing to act.

**SEC. 16. Notice to be sent those whose residence cannot be located.**—Upon the completion of said canvass, said canvassers, or one of them, shall sign a notice and send the same through the mail, duly stamped, to the address given upon the registry and "verification lists" of all persons named therein against whose names they have made check-marks, indicating that they did not reside at such place as before stated, and also to the address of all persons against whose names said registry board or judge of election has placed a check-mark in such "verification lists," which shall require such person to appear before the board of registry upon the Friday of the fourth week prior to said elec-

tion, and to show cause why his name should not be erased from such registry. Proper blanks and postage stamps shall be furnished for the purpose to said canvassers by the commissioners. A similar notice shall also be served by one of said canvassers, either at the time said canvass is being made on or before the Monday following said canvass by leaving the same with the party, if found, or, if he be not found, at the place designated in such registry and "verification lists," by leaving the same at such address, if there be such place. Such notice, to be sent through the mail, must be mailed not later than ten o'clock of said Monday morning. Upon the conclusion of said canvass, the clerks shall make, upon the third copy of the verification lists, the same notations as contained on the two lists used by them in making their canvass, and the three lists, when so checked, they shall deliver at the office of the election commissioners not later than eight p. m. of the Monday following their canvass. And it shall be the duty of said commissioners, when complaint is made to them, to investigate the action of such clerks or canvassers, and to cause them to be punished for such neglect of duty.

**SEC. 17. Commissioners to print copies of verification lists—copy to be posted in each precinct.**—The commissioners shall print, not later than Friday of the fifth week prior to said election, copies of said verification lists as returned to them by the clerks, with the various checks or cross marks thereon, and shall further print conspicuously on each copy a statement that all parties against whose names such checks or cross marks appear may be stricken from the registration lists unless they appear before the precinct board of revision at their session to be held on Friday of the fourth week prior to said election, and show cause why their names should not be so erased. A printed copy of the list for each precinct shall be posted near the front entrance of the polling place of such precinct, or as near the same as practicable, not later than Saturday of said fifth week. All such notices provided for in this section shall be printed in plain large type in sufficient numbers to meet the demand, and upon application a copy of the same shall be given, free of charge, to any registered voter in such precinct.

**SEC. 18. Judges and clerks to revise registry, when—proceedings.**—On the Friday of the fourth week prior to said election said board of registration, having first obtained from the election commissioners the books of registration and two of the verification lists for their election precincts, shall again meet at the place designated, and the said clerks of election shall meet with them, and they shall remain in session from ten a. m. until ten p. m. for the sole purpose of revising their registry, and no new names shall be added. Said canvassers, or one of them, shall make out a list of the names of parties checked and designated as aforesaid, and to whom such notice has been sent, given or left with the address, and attach his or their affidavit or affidavits thereto; blank forms shall be furnished, stating that notice was mailed to each of said parties at the places designated on such lists, on or prior to ten a. m. on Monday of the sixth week prior to said election, and that notice was also personally left on or before said hour of said day at the said address of each of said parties named in said list so attached, if there be any such address. If any person to whom such notice has been sent shall appear before the board of registration during said session, he shall make oath and sign an affidavit in substance as follows:

"I do solemnly swear that I am a citizen of the United States (or have declared my intention to become a citizen of the United States on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, according to law), and that I have

resided in the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward in the city of \_\_\_\_\_ and the county of \_\_\_\_\_, and in the state of Missouri, since the \_\_\_\_\_ day of \_\_\_\_\_; that I am not an officer, soldier or marine in the regular army of the United States, and that I have never been convicted of any felony or any misdemeanor connected with the exercise of the right of suffrage (or if convicted state the time of conviction, and when pardoned by the governor of the state)."

This affidavit shall be signed and sworn to before one of such board of registry, and it shall afterward be preserved and filed in the office of said election commissioners; said board of registration shall further examine him on oath, and also swear such canvassers, and hear him or them upon the question, and they shall also have the power to send one or both of said canvassers to make further examination and inquiry at the place claimed by such person to be his residence, and again examine such canvassers touching the same, and if, after such examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall mark the word "yes," under the column of the registry marked "erase," and shall also draw a line in ink under his name; which, in case of any registration, shall indicate that the name of such person is erased from the register, and shall not be entitled to vote unless his name be restored as herein provided. If any person to whom notice has been sent because his declaration of intention to become naturalized has been made more than five years before the next election, shall appear before said board at such session, he shall show in the same manner as in the case of original registration that he has become naturalized, otherwise his name shall be erased from the register. If any person, already registered, shall appear before said board at such session and make oath that he has removed to another place in the same precinct, said board, if they believe him, shall not erase his name, but shall make the correction to his residence in the books of registration. In making correction of entries as to residence and naturalization, a line should be drawn through the former entries, the proper entries made, and the word "corrected," with the date, written in the column headed "remarks." During the last hour of said session, if any person so notified to appear at such session shall not appear and show cause why his name should not be erased from such register, the same shall be erased in the manner aforesaid. Either of said clerks shall have the power and right of both in the matters pertaining to such canvass, except that both are required to go together to make such canvass. In the case of temporary disability on the part of either canvasser or clerk, either judge who belongs to the same political party may appoint a temporary clerk or canvasser, who shall belong to the same party, and administer to him the usual oath of office, and he shall perform all the duties of the office until the disability of the regular clerk or canvasser is removed.

**SEC. 19. Voter may ask that name on registry be erased, when—appeals.**—Any voter or voters in such precinct may make application in writing before said board of registration at the session mentioned in the next preceding section, to have any name upon the register of such precinct erased, which application shall be in substance in the words and figures following:

(I, or we,) do hereby solemnly swear (or affirm) that (I, or we,) believe that \_\_\_\_\_ is not a qualified voter in \_\_\_\_\_ precinct of \_\_\_\_\_ of the city of \_\_\_\_\_, and hence ask that his name be erased from the register of such precinct."

Such application shall be signed and sworn to by the applicant, and filed by him with said board, and returned by them to the board of election commissioners with the registration lists to be filed in the office of said commissioners. The person making such application shall give the person whose name he or they seek to erase due notice in writing or otherwise, at least one day before the day of said session. If, upon hearing the application, the board of registration conclude to erase the name they shall so note it on the register.

**SEC. 20. Duty of judges on hearing application.**—If the judges upon hearing said application conclude that said name should not be erased from the register, but their conclusion is reached by the vote of less than a majority of the total number of judges appointed for such precinct, then they shall write on the register opposite the name of said voter the word "challenged," and that word shall appear opposite the name of such voter on the register on election day.

**SEC. 21. Judges shall sign registry—registry to be sent to commissioners—commissioners to proceed, how—lists public records.**—At the end of the last session provided for, the said board of registration and said clerks shall correct and compare the registers and verification lists aforesaid, and make them correspond and agree; and said judges and clerks shall then, immediately following the last name on each page of the registers, sign their names so that no other name can be added with [out] discovery, and shall return the two registers and two verification lists to the possession of the election commissioners. Said commissioners shall cause the registration lists, as so revised, to be printed, and the names thereon and addresses thereof arranged in the order required in the verification lists, not later than Friday of the first week prior to the election for which such registration is made. All notices provided for in this section shall be printed in plain large type, in sufficient numbers to meet the demand, and upon application a copy of the same shall be given, free of charge, to any qualified voter of said precinct.

**SEC. 22. Circuit court shall hear applications to be placed on registration lists, when.**—The circuit court of said city shall, on Friday and Saturday of the third week prior to such election, specially sit to hear such applications as shall be made to it to place any name upon the register in any particular precinct. Such applications shall be sworn to and shall state the facts showing the applicant to be a qualified voter, with his residence, and that the applicant has applied to the board of registry in the precinct during the proper hours on one of the registration days, and that said board refused to place his name on such registry; or that having been duly registered he appeared before said board on the day appointed for revision, and against his consent his name was stricken from the registration list; such application shall be filed in said court before its opening on Tuesday of the third week prior to said election, and wherever such court shall be composed of more than one division, applications shall be assigned in regular order to the various divisions, as in civil cases. The court shall cause a docket of such applications to be made out, arranged by wards and precincts, stating the name of the person whose registration is to be affected by such application. Such applications shall be heard summarily and evidence may be introduced for or against such application. No formal pleadings shall be required. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application. If the court shall order any name to be placed upon the registration list, and such

order shall not be appealed from, a minute of such order shall be certified to the election commissioners, who shall forthwith cause such name to be placed upon the proper register, and indicate that it was entered by order of the court. After the entry of the registration so allowed by said court (without appeal) no further change shall be permitted, except for the subsequent registration of absentees or invalids, as herein provided, when such further registration shall be made, if any, and the appropriate stamp prepared shall be affixed to the end of each page of names in each precinct registered by said board of commissioners.

**SEC. 23. Appeals from circuit court.**—As the circuit court decides each case, an order therein shall be entered not later than the Tuesday following the hearing of the application, and any person desiring to appeal from such order may appeal to the supreme court of the state, or court of appeals, according to the facts; if application be made therefor within two days after the entry of said order, such appeal shall be allowed on the giving of an appeal bond in the penalty of two hundred and fifty dollars, conditioned to pay the expense of such appeal in case his appeal be not sustained. The time for filing such appeal bond and certificate of evidence shall be within four days from the entry of said order, and upon presentation to the court of a certificate containing the evidence heard at such hearing within said time, the court shall sign the same, and thereupon the same shall become part of the record in said cause. The original record in such cause shall be at once transferred by the clerk of said court to the court to which such appeal lies, and such appellate court, or if it be in vacation, any judge thereof shall proceed at once to hear and determine the appeal, and the judgment rendered upon such hearing shall be at once certified to the board of election commissioners and also to the circuit court, and the board of election commissioners shall carry out the order made by said appellate court or such judge in vacation.

**SEC. 24. Registration by board or court—no protection against false registration, etc.**—No person admitted to any registry by order of any court, or by the [board] of election commissioners, shall be protected by such order in case he should be indicted for false registration or false voting.

**SEC. 25. Transfers of registered voters.**—Whenever any person who has been duly registered as a voter by the board of registration of the precinct in which he then resides, and whose name shall have been returned on the registration lists as a voter by the board of registration to the board of election commissioners, after the close of registration shall change his residence from one precinct in said city to another, or from one part of such precinct to another part thereof, before the day of the election for which he is registered as a voter, and shall, after making such change at any time on or before the Wednesday preceding such election apply to the board of election commissioners to have his name transferred from the precinct in which he is registered, or his residence changed from his former to his present residence in such precinct, said board shall cause him to be sworn and examined as to the facts of such change, and his statement shall be taken down in writing and signed and sworn to by him and duly certified by said board; if said board shall be satisfied that the applicant has changed his residence, as stated, and that he is entitled to have his name transferred and his place of residence changed, they shall first cause his name, where he moved from his former precinct, to be erased from the registry thereof, and

transferred to the precinct in which he then resides, or if he has changed his residence from one place to another in said precinct, they shall change his address on the register of such precinct.

**SEC. 26. Registration of invalids and absentees.**—If any person who has the qualifications required by this article to entitle him to register as a voter in such city shall be absent therefrom at a distance of more than fifty miles, or confined by illness or other disability to his place of residence, during all of the days appointed for registration prior to any election at which he desires to vote, he may file his application in the office of said election commissioners to have his name registered in the precinct in which he resides. Such application shall be verified by his affidavit and shall show that he has the qualifications required of a voter by this article, and that he was prevented by said absence, sickness or disability from appearing for registration before the precinct board of registry on all of said registration days, specifying such days and stating at what place or places he was during each of said days, and where registration is claimed on account of absence, the day upon which he returned after his absence during said days, or in case of illness or other disability stating the first day upon which such disability was removed. If his application is based upon his absence, he shall file at the same time the affidavits of two registered voters of said precinct stating to that to their knowledge he is a qualified voter, and setting out therein his qualifications, that he resides in said precinct, and that they believe in the truth of his statement in his affidavit as to his reasons for not appearing before said registry board on all of said days of registration, specifying them. Where such application is based upon a physical disability the affidavit of said applicant shall describe the nature of such disability as the same is most commonly described, and said affidavit must be accompanied by an affidavit of a physician duly admitted to the practice of medicine in such city, which shall describe such disability as the same is most commonly described, and that such disability continued during said registration days, specifying them, also stating the day on which the same was first removed. Said board shall file all affidavits made as aforesaid and carefully preserve the same. Any voter may make objection to any person being registered upon such application in the manner and form as objections are required to be made before the registry board. The election commissioners shall sit specially to hear such applications on the Wednesday of the first week prior to said election between the hours of nine a. m. and twelve m. and between two p. m. and ten p. m., and if all such applications be not then determined it shall sit on the same hours of the next day. Said applicants shall appear in person before the commissioners on said Wednesday; they may be further examined by the commissioners under oath and further testimony taken in favor of or against their applications. All cases shall be heard summarily and decided as soon as heard. If the board shall believe any applicant is entitled to registration according to the provisions of this section he shall be registered as a voter; otherwise his application shall be rejected. If registered, opposite his name on the registry shall be entered the word "absentee" or "invalid," as the case may be.

**SEC. 27. Revised lists of voters—when to be completed and how posted.**—The board of election commissioners shall cause to be printed and ready for distribution not later than Friday of the week prior to the election, the revised registry lists as returned to them by the registration board at the close of revision, and further corrected as far as

may be necessary by the judgment of the supreme court, court of appeals, or the circuit court, or transfers by the board of commissioners, or registrations of absentees or invalids as herein provided. In cases, however, where the order of any court shall be received, or any transfer or registration shall be made by the election commissioners, as herein provided, at so late a date that the name ordered to be registered cannot be printed upon the revised registry lists, all of such names so to be registered in any precinct shall be printed in a supplemental list, copies of which shall be given upon application to any qualified voter in such precinct upon demand; a copy of which shall also be given to the judges of election of such precincts with the ballot-box and poll books. Such revised lists shall be, except as corrected by the board of registration at revision, and by the orders above mentioned, in all respects like the registration lists above ordered to be published on the Friday of the fifth week before said election.

**SEC. 28. Delivery of poll-book, ballot-boxes, etc., to judges.—**  
Said commissioners shall, on the day preceding any election, have delivered to one of said judges, at his residence, one of the registers of said precinct, and the key (or keys, if there be more than one to the ballot-box), and to a judge of the opposite political party, at his residence, the other of said registers, the ballot-box, poll-books, verification lists and necessary blanks and stationery, and a sealed package of ballots.

**SEC. 29. Polls to be opened and closed, when—place of absent judge or clerk, how filled—penalty for absence or detention of ballot-box, register, etc.—**The election polls shall be opened at six o'clock in the morning and continue open until seven o'clock in the afternoon of the same day, at which time they shall be closed. No judge or clerk shall absent himself to exceed five minutes at any one time until the ballots are all cast and counted, and returns made thereof. If any judge or clerk shall not be present after the expiration of fifteen minutes from the time to open the polls, or be disqualified, or refuse to act, the judge or judges present shall fill the place of such absent judge or clerk, or vacancy, by selecting a person of the same political party as the judge or clerk absent. One of the judges shall administer to such judge or clerk the oath required of the judge or clerk originally appointed, and such appointee shall perform like duties and be subject to the same punishment and penalties as any other judge or clerk. If any judge or clerk shall be fifteen minutes late, but shall present himself at the precinct for which he is appointed, and offer to act, at or before seven o'clock in the forenoon, he shall be permitted to act, and the person, if any, who has been appointed to fill his place shall retire but shall be entitled to one-half day's pay provided for judges and clerks hereunder, and the judge or clerk appointed who has failed to be present shall be entitled only to receive the remaining half day's pay; if, however, any judge or clerk shall not present himself at the polling place for which he is appointed to act at or before seven o'clock in the forenoon he shall not be permitted to act during that day, nor be entitled to any compensation for that day.

**SEC. 30. Ballot-box to be kept in public view—penalty.—**Before voting begins the ballot-box shall be empty, and it shall be opened and shown to those present to be empty, and not be removed from public view from the time when shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges

and shall not again be opened until the close of the polls. If any obstruction shall be, prior to or during such election, interposed so that all who desire cannot constantly see such ballot-box, it shall be the duty of such judges to remove such obstruction on request of any voter of the precinct, or on their own motion.

**SEC. 31. Poll-book, how kept.**—Each of the clerks of the election shall keep a poll-book which contains a column headed "number," another headed "residence," and another headed "names of voters." The name and street and number of the residence of such voter shall be entered upon each of the poll-books by the clerks, in regular succession, under the proper headings, and the number of such voter, in the order in which he voted, placed opposite the name in the column headed "number."

**SEC. 32. Procedure when ballot is offered by voter—in cases of challenge.**—One of the said judges of election shall receive the ballot from the voter, and shall announce his residence and name in a loud voice, and shall write on the back of said ballot the number of the same, in the order in which it was received, which number shall also be placed opposite the name of the voter in the poll-book, in the column headed "number," and another judge shall put the vote in the ballot-box in the presence of the voter and the judges and clerks, and in plain view of the public. The judge or clerk having charge of the registry shall then, in a column prepared thereon, in the same line of the name of the voter, mark in ink or with indelible pencil "voted." If such person so registered shall be challenged or disqualified, the party challenging shall assign his reason therefor, and thereupon one of said judges shall administer to him an oath to answer questions, and he shall be questioned by said judge or judges touching such cause of challenge, and touching any other cause of his disqualification, and may also be questioned by the person challenging him in regard to his qualifications and identity, but if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. The vote of no one shall be received by said judges whose name does not appear upon the books of registration as a qualified voter.

**SEC. 33. Registry in force between general elections.**—In any special election occurring in a portion of such city for the purpose of filling a vacancy occurring in a single office there shall not be a revision of the registry. At every election held in such cities between the general registration referred to, the last general registry shall be used, and for that purpose the board of registration shall meet on Thursday of the seventh week preceding such election; the canvassers shall make their canvass on the Friday following; and the board of revision shall hold its session, for revision, on Friday of the fourth week prior to said election. Said sessions shall be held from eight o'clock a. m. until ten o'clock p. m. on each of said days, and names may be added, on the day of registration, or stricken from the register, on the day of revision, in the same way, upon sworn applications, as in the case of a general registration. There may be appeals for registration to the circuit court on Friday and Saturday of the third week before said election. The board of election commissioners shall sit to register absentees or invalids on Wednesday of the first week prior to said election. There shall be no publication of the names of judges and clerks, or of the revised lists. In all other respects the proceedings, forms and requirements are to be

observed as provided for general registration. At every election held in such city between the time this act becomes a law and the next general registration provided for herein the registry books of qualified voters in such cities at the last general city or state election, and used in said election as the registry of qualified voters of such cities, and the registry of qualified voters under the various sections of this act providing for registration shall be the registry of qualified voters of such city used and in force for such elections. New books of registry shall be prepared and furnished as provided in this act by said election commissioners for the registration required to be made in every presidential year by this article; and the registry and other books no longer required, or used, shall be kept and preserved in the office of the election commissioners.

**SEC. 34. Judges to be peace officers—challengers.**—Said judges of election shall have authority to keep the peace and to cause any person to be arrested for any breach of the peace or for any breach of the election laws, or for any interference with the progress of such election or of the canvass [of the] ballots, and it shall be the duty of all officers of the law present to obey the orders of a majority of such judges of election, but less than a majority of such judges shall have no authority and no power to give any order to any such officer. And it shall be the duty of the board of police commissioners of such city to instruct all police officers accordingly. At every registration and election, each of the political parties shall have a right to designate and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position inside the polling or registration booth, as will enable him to see each person as he offers to register or vote, and who shall be protected, in the discharge of his duty, by the judges of election. And authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in any such city shall be sufficient evidence of the right of the challenger for such party to be present inside the room where the ballot-box is kept. But in case the challenger does not or cannot produce the authority of such chairman, it shall be the duty of such judges of election to recognize a challenger that shall be vouched for and presented to them by the persons present belonging to such political party or who shall be vouched for by the judge representing such party. The chairman of the managing committee of each political party may remove such challenger appointed by him, and substitute another in his place. Two persons of each political party, represented on the ballot, of good character and standing, shall be admitted, by the judges, into the polling place to be present during the canvass of the votes and the making of the returns, in the same manner as herein provided in regard to challengers. Such challengers and other persons shall be duly registered voters of the precinct in which they act as challengers or watchers, of good character and sober, and shall in no wise interfere with such canvass.

**SEC. 35. Vote to be canvassed, when.**—As soon as the poll of an election shall be finally closed, the judges of election, in their several precincts, shall immediately, and at the same place of the election poll, proceed to canvass the votes. Such canvass shall not be adjourned or postponed until it shall be fully completed, nor until the statements herein required to be made by the judges and clerks shall be made out and signed by them. The judges of election shall have the right to station

one or more police officers or other peace officers, at such entrance to the room where such canvass is begun or about to take place, to exclude noisy or disorderly persons, and to keep the peace.

**SEC. 36. Vote, how canvassed.**—The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered upon each of the poll-books they shall reject the ballots, if any, found folded inside of a ballot; and if the ballots and the poll-list do not agree after such rejection, they shall reject all ballots not numbered, and no ballot not so numbered shall be counted. The ballots so rejected shall be enclosed in an envelope marked "rejected ballots," and return[ed] with the ballot-boxes to the election commissioners; and the ballots or poll-lists agreeing or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles, or on separate files. Each of the judges shall examine the separate files which are on, or supposed to be alike, and exclude from such files any which may have a name or any erasure, or in any manner shall be different from the other of such files. One of said judges shall then take one file of the kind of ballots which contain the same name and count them by the tens, carefully examining each name of each of said ballots. Said judge shall then pass the ten ballots aforesaid to other judges, who shall count them in the same manner, and call the names of the persons named in the ten ballots, and the offices for which they are designated, and the poll-clerks shall tally ten votes for each of such persons. When they shall have gone through such file of ballots containing the same names by tens in that way, and when the clerks shall have tallied all the votes by tens for each of said persons, they shall then take up the next pile of ballots containing the same names, and shall count them by tens in the same way, and shall call the names of the persons named in said ballots and the offices for which they are designated, and the clerks shall tally the vote by tens for each of said persons in the same manner. When the counting of each file of ballots which contain the same names shall be completed, the clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice. The said judges shall then canvass the other kind of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the names of the persons proper to be voted for on such ballots had been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by the judges, and each name called out to the clerks and the office for which it is designated, and the clerks making tally of the same. When all ballots are canvassed in this manner the clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the number, one of them shall announce in a loud voice the number of votes received by each candidate on each of the kinds of ballots containing his name.

**SEC. 37. Vote on proposition canvassed, how.**—Whenever any proposition is submitted to a vote of the people, and is printed or written upon the same ticket with the names of candidates for an office, the names, together with such proposition, shall be canvassed in the following man-

ner: All the ballots shall be first separated into three piles, the first pile containing all the ballots in favor of such proposition; the second pile containing all the ballots against such proposition; and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile and see that the separation has been properly made. Then the first pile shall be counted by tens and the result announced to the clerks, who shall tally the same by tens, and so the second pile shall be counted, announced and tallied, and likewise the third pile; and the clerks shall announce the number of votes for, and the number of votes against, such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied. If the tally sheets and returns should contain no heading for any proposition submitted, it shall be the duty of the clerks to write into such tally-sheets and returns the headings necessary in order to keep a correct tally and to make a correct and accurate return, and it shall be the duty of the clerks and judges of election to make a true count and correct return of all votes upon any such proposition, and certify the same to the election commissioner, as provided herein in other cases.

**SEC. 38. Statement of result of canvass made and certified, how.**—The said judges of election shall make two statements of the result of the canvass, one of which shall be written or partly written and partly printed in each of the poll-books used at such election. Each of these statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, and city in relation to which such statement shall be made, and the time of opening and closing of the polls of such precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written or partly written and partly printed in words at length; and in case a proposition of any kind has been submitted to a vote at such election, such statement shall also show the number of votes cast for or against such proposition, written out or partly written and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificate and each sheet of paper forming part of the statements, shall be subscribed by the said judges and election clerks. If any judge or election clerk shall decline to sign such returns, he shall state his reason therefor, in writing, and a copy thereof signed by himself shall be enclosed in an envelope, which shall then be securely sealed, and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. And the envelope shall be directed on the outside to the election commissioners. Each set of tallies shall also be signed by the election clerks and judges of election, and shall also be enclosed in an envelope, securely sealed and signed and directed on the outside of envelope to said election commissioners. On the outside of envelope shall be endorsed whether it contains the statement of the votes cast or the tallies, and for what precinct and ward.

**SEC. 39. Poll-books to be placed in ballot-box—to be sealed, how.**—The poll-books which contain the statement of returns shall be

placed in the ballot-box, and the ballot-box shall then be locked and the key removed; whereupon said judges of election shall all write their names upon a slip of paper of sufficient length for the following purposes: Said slip of paper, after the signing of their names thereon by said judges, shall then be pasted over the keyhole of the said box and extending upward to the upper lid of the box and carried for some distance over the top, and it shall be placed in such a way that the signatures of said judges shall extend across the place of the opening of the lid of the box, so that when the box is opened it shall tear such paper and destroy the signatures written thereon, and when the key shall be inserted in the keyhole it will tear the paper so pasted over the keyhole. Such paper shall be fastened with some adhesive material and so as not to permit the removal of such slip of paper without defacing it.

**SEC. 40. Disposition of ballots.**—The judges shall fold in two folds and string closely upon a string or wire, all ballots counted by them, except those marked "defective," or "rejected," unite the ends of such string or wire in a firm knot, enclose the ballots so strung in an envelope, on which shall be endorsed, in writing or print, the number of the precinct, date on which such election was held, and securely seal such envelope, so that it cannot be opened without breaking the seal, and return said ballots, together with the package containing the ballots marked "defective" or "objected" or "rejected," in such sealed package or envelope to the election commissioners. Two of said judges of opposite politics shall immediately after signing the statement of the result of the canvass and tally sheets and the sealing of the ballot-box, go together to the office of the election commissioners and deliver said ballot-box and the key thereto to said election commissioners, who shall keep the office open until all of said ballot-boxes have been received. Immediately upon receiving said ballot-boxes said commissioners shall give a receipt therefor to said judges, and shall place them properly arranged in the order of precinct numbers in boxes which shall be securely locked. Said boxes shall be placed in a vault having a double lock, and said vault shall be locked and keys retained by commissioners of opposite political parties. Said election commissioners shall securely keep said ballot-boxes for twelve months, not opening or inspecting them nor allowing any one else to do so, except upon order of court in case of contested election, or when it shall be necessary to produce them at the trial of any offense committed under this article. At the end of twelve months after said election, said ballots shall be destroyed: *Provided*, that if any contest of the election of any officer voted for at such election, or prosecution under this article shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined.

**SEC. 41. Statement and tally-sheet to be delivered to commissioners, etc.**—Another judge shall take a statement of the votes cast into his possession, sealed up in an envelope as aforesaid, and one of the clerks shall take a tally-sheet, sealed up in an envelope as aforesaid, and the judge having possession of statement and the clerk having possession of tally-sheet, shall each, before twelve o'clock of the next day after such election, deliver the statement and tally-sheet to the said election commissioners, and take a receipt from them therefor. And it shall be the duty of the said election commissioners to receive the same, and keep safely under lock and key until ordered to be surrendered as herein provided.

**SEC. 42. Judges and clerks to be exempt from jury duty.**—Every judge or clerk of election shall be exempt from jury duty from the day of his qualification as such until two years after his term of office expires if and so long as he performs his duty as such judge or clerk at every election held in the precinct for which he is appointed from the day of his qualification until his term of office expires; and where a judge or clerk, duly appointed by the board of election commissioners, has qualified and performed his duty as judge or clerk at an election, he shall be exempt from jury service until the next election, and if such second election falls within the term for which he is appointed and he fails to perform his duties thereat, his exemption from jury service shall thereby cease. Any person not regularly appointed by the board of election commissioners, but who shall duly serve as judge or clerk at any election, because appointed to fill a vacancy at the polling place, shall be exempt from jury service for six months thereafter. It shall be the duty of the jury commissioners in all cities subject to this act having jury commissioners, to see that no person is summoned to do jury service during the time for which he is exempt, as herein provided. And it shall be the duty of the board of election commissioners, after each election, to certify to the jury commissioners the names of the judges and clerks who served at such election.

**SEC. 43. Disposition of ballot-boxes by commissioners—(penalty for failure to deliver to commissioners.)**—The said election commissioners, upon the receipt of said ballot-box and key thereto, shall note the condition of seal or stamp on said box, and enter the fact touching the same upon a book kept by them, together with the name of the judge who returns such ballot-box; he shall thereupon open said ballot-box and remove the poll-books containing the returns of the votes cast, and note upon the book their condition, and put them in a secure place under lock and key, to which the public, in no event, shall have access.

**SEC. 44. Abstract of votes, how made—copy to be sent to secretary of state.**—Within eight days after the close of such election such board of election commissioners shall publicly open all the returns aforesaid and shall make abstracts of statements of all the votes for governor and lieutenant-governor on one sheet; all votes for other state officers on another sheet; all votes for presidential electors on another sheet; all votes for judges of the supreme court on another sheet; all votes for judges of the court of appeals on another sheet; all votes for members of congress and for senators and representatives to the general assembly on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet; all votes for any other officer on a separate and appropriate sheet; all votes for and all votes against any proposition which may be submitted to a vote of the people on another sheet. It shall be the duty of such board to canvass, add up and declare the result of every election held within the boundaries of such city, and transmit an abstract of the same to the secretary of state, or other proper officer, as required by law; and such abstracts or results, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same force and effect as the abstract of votes now authorized by the laws of the state in such cases made and provided.

**SEC. 45. Commissioners to make out and deliver certificates of election.**—The election commissioners shall make out a certificate of election to each person having the highest number of votes for the several

offices voted for, including aldermen and members of the municipal assembly, and deliver such certificate of election to the person entitled to it on his application.

**SEC. 46. Procedure in case fraud in returns is suspected.**—If, upon opening the various returns so made, there shall be anything to indicate that a change has been made in such returns since signing the same by the judges and clerks, or any fraud in any respect touching such returns, it shall then be the duty of the board to have all the tallies opened and examined. If there shall be any doubts as to the genuineness of such returns for any precinct, and as to the actual vote as originally returned, and the truth respecting the same remain uncertain, it shall be the duty of said canvassers to examine any person or persons who were present at the time of the proclamation so made by the judges of election in such precinct, about which any doubt may arise, and the board shall be permitted to place such parties or witnesses under oath and examine them touching the same, and it shall be their duty to cause such parties who were present at the time of such proclamation to come before them, and a subpoena may be issued by the election commissioners compelling any such witness to come before such board and give their evidence touching the matter; and it shall be the duty of said board to declare the result of the vote in any such precinct in regard to which any question arises in the vote, in the same manner as it was proclaimed by the judges of election after the canvass by them in such precinct. The result, so declared, shall be binding and conclusive, except in case of election contests.

**SEC. 47. Compensation of commissioners, secretary and clerks—expenses paid by city.**—In all cities not within counties such election commissioners, secretary of the board, judges and clerks of election and registration and clerks and assistants employed by the board of election commissioners shall be paid by the city. The members of said board of election commissioners shall each receive a salary of three thousand dollars a year, and the secretary of the board a salary of two thousand dollars a year, all payable monthly. The assistants and clerks employed by the election commissioners shall each receive a salary of four dollars per day for the time actually employed, payable monthly. All office and other expenses incurred by said board of election commissioners, and all office and other expenses and costs and expenses of registration and election in such cities shall be paid out of the city treasury. All printing, binding, books, stationery, etc., shall be paid for in the same manner and contracted for by the board of election commissioners.

**SEC. 48. Compensation of judges and clerks of election, etc.**—The judges and clerks of election and the members of boards of registration and clerks, in cities in this state having 300,000 inhabitants and over, shall each receive four dollars a day, for pay and compensation for their services. Said pay and compensation of judges and clerks of election, boards of registration and clerks shall be paid by such city, and the municipal assembly thereof is hereby required to make the necessary appropriation for such payments. (b.)

**SEC. 49. Majority may act for board.**—The act of a majority of such board of election commissioners shall in all cases arising under this article be considered as the act of said board of election commissioners.

**SEC. 50. Board to audit accounts.**—Said board of election commissioners shall audit all the claims of the judges of election and of

registration and all other claims, expénses and accounts under this article, and shall draw a warrant therefor upon the proper officer.

**SEC. 51. Repealing inconsistent acts.**—Article VIII, chapter 102 of the Revised Statutes of Missouri of 1899, and all acts amendatory thereto is hereby repealed, and all acts or parts of acts inconsistent with this act, are hereby repealed, in so far as they are inconsistent therewith.

# LAWS ESPECIALLY APPLICABLE TO KANSAS CITY AND JACKSON COUNTY.

\*PRIMARIES IN JACKSON COUNTY—LAWS 1901.

**SECTION 1. Primary elections, how called.**—All primary elections hereafter holden by any voluntary political association or party, having polled at least one-fourth of the total vote cast at the next preceding general election in counties which now or may hereafter have over one hundred and seventy-five thousand and less than three hundred thousand inhabitants for delegates to any convention or the selection of a managing committee or for the nomination of candidates for public office by a direct vote of the people, except delegates to a city or congressional convention, shall be called or ordered by published notice upon the vote of a majority of the county central or controlling committee of such voluntary political association or party.

**SEC. 2. Notice of purpose to hold primary to be published—shall contain, what.**—At least sixty days prior to the regular state and county elections, and at least twenty days prior to any convention to which delegates are to be elected, said county central or controlling committee shall cause to be published for at least five consecutive days in at least two daily newspapers of general circulation, printed in the English language, at least one of which shall be printed in the largest city in such county, a notice which shall state the purpose of such primary, and the time for holding the same, the location of the various voting places for such primary, the number of delegates to which each ward or election district is entitled, and the time and place at which delegates [delegations] and the names of candidates may be filed. (Amended, Laws 1903.)

**SEC. 3. Primary election, held, when.**—All primary elections shall be held at least forty days before any general election, and at least three days before any convention to which delegates are to be elected at said primary election.

**SEC. 4. Qualifications of voter.**—No person shall be allowed to vote at any primary election within a city in such county having a board of election commissioners and a system of registration, unless he shall be at the time of such primary election an actual and *bona fide* resident of the primary election district where he shall offer his vote, and

\*See 160 Mo. 317.

a member of the political party holding such primary election, and unless his name appears upon the last official registration list of such city for a precinct in said district; and in those portions of the county lying outside of the city no person shall be allowed to vote who has not been for a period of thirty days a *bona fide* citizen and resident of the election district where he shall offer to vote and who is not also a member of the party holding such primary election. Any person voting or offering to vote at such primary election who is not a qualified voter in the district where he shall offer to vote, or who shall vote or offer to vote more than once at such primary, shall be deemed guilty of a misdemeanor, and punished as provided in section 13 [15] hereof.

**SEC. 5. Committee to divide city into primary election districts—duty of county court.**—Said committee shall, at least ten days prior to the holding of any such primary election, divide each ward in any city containing more than one hundred and fifty thousand inhabitants in such counties, into two primary election districts, including as nearly as possible an equal number of registered voters, as shown by the last official registration. The division lines of said wards shall run as nearly as possible, wherever practicable, either in a general direction from north to south or in general direction from east to west, and shall follow election precinct lines; and said committee shall locate a polling place in each district so that it may be convenient to the largest number of voters therein. In all those parts of the county lying outside of the limits of said city, primary elections shall be held in election districts as established by the order of the county court, and the voting places shall be located as established by order of the county committee.

**SEC. 6. Basis of representation.**—Each election district outside of cities and each ward within such cities shall be entitled to such proportion of the total number of delegates to be elected in said county as the total number of votes cast in said district or ward at the last preceding general election for the candidate of such party for a state office receiving the highest number of votes bears to the total of votes of such county for such candidate. Subject to the foregoing, the county committee shall have the right to fix the basis of representation. (Amended, Laws 1903.)

**SEC. 7. Filing of delegations—duty of committee.**—On the day and at the place fixed in said notice for the filing of delegations the said county central committee, or its chairman and secretary, shall be present for the purpose of receiving and filing delegations from nine o'clock a. m. to six o'clock p. m., after which time no delegations shall be received or filed. Any number of qualified voters of any such primary election district, but not less than ten in number, may by petition, and by depositing with the said committee, or its chairman and secretary as aforesaid, such sums for each delegate as may be prescribed by the resolution of the committee for each name on each delegation, have placed upon the ballot a delegation selected by them; and any citizen possessing the qualifications of a voter may become a candidate at such primary election by depositing such sum as may be prescribed by the said committee for candidates for said office. The delegates shall be elected by wards in the cities and by election districts outside the limits of said cities as herein provided. It shall be the duty of the committee, or its chairman and secretary, to receive all delegations that may be filed between said hours, and upon request to issue a receipt to the person filing the same, showing that said delegation has been filed, and to keep a record of all del-

egations filed, which shall be open to public inspection; and no name shall be voted for at said primary election unless it shall have been filed as aforesaid. And in such counties no name shall be placed upon the official ballot as provided in section 7095, Revised Statutes, 1899, unless said person is nominated in accordance with the provisions of this act, or nominated by petition as provided by law. (Amended, Laws 1903.)

**SEC. 8. Judges and clerks, how named—powers and duties of judges—polls—returns, where made.**—Each delegation at the time of the filing thereof may name one judge and one clerk, and the persons so selected shall constitute the board of judges and clerks for the election district. In the event that any judge or clerk so selected fails to act, then the delegation shall have the right, by a majority vote, to select another judge or clerk to serve. The persons named herein as judges and clerks of election, or any person in their absence or refusal to serve, assuming or chosen to be such judges and clerks of the election aforesaid, shall first sign an oath or affirmation, duly attested by some officer authorized to administer oaths, that they are legal voters of the district in which such election is to be held; that they will faithfully and correctly conduct such election, protect it against all fraud or unfairness, carefully and truly canvass all votes cast thereat, in such manner as may be required by this act, and of the authority appointing the election not inconsistent with the provisions of this act. Said polls shall be open as prescribed by the rules of said committee, but said polls shall be open at least from one o'clock p. m. until 7 o'clock p. m. in such cities. Before the judges in said cities shall deposit any ballot in the box they shall at once after receiving it from the voter, and in his presence, number the same with a number corresponding to the number of votes cast, and place the same number on the poll book opposite the name of the voter casting such ballot and a judge or clerk representing opposing delegations, if there be more than one delegation, shall write his initials on each ballot before placing the same in the box, and no ballot shall be counted unless so initialed and numbered. One ballot-box only shall be used at each district polling place, which shall be opened and inspected by all the judges and clerks at the opening of the polls. Said ballot-box shall then be locked and so kept until the polls are closed. The ballots shall be deposited in said box and left there until the polls are closed as aforesaid, when they shall without being taken from said polling place, be immediately counted, and the result at once certified to by all said judges and clerks, and at once returned, with all certificates, poll books, ballots, rejected ballots, boxes, oaths of judges and clerks and other papers, to the county central or controlling committee, or the chairman and secretary thereof, who, for that purpose, shall be and remain at the office of the board of election commissioners in said city, and receive said returns, in the presence of the election commissioners, if they see fit to attend; and said returns and ballots shall be carefully preserved by said committee in said office until the convention to which said delegates shall be elected is held, unless otherwise ordered by a judge of the circuit court. It is hereby made the duty of said judges and clerks to sign and certify said returns unless they refuse for good and sufficient reasons, which said reasons they shall file in writing with said returns. In case any of the judges or clerks refuse to sign the returns for any election district, then it shall be the duty of the said committee to deliver to said convention when organized the poll books and ballots and returns used

at such polling place at said election. The said ballot-boxes shall be sealed by the chairman and secretary of the said county central or controlling committee, and shall be kept in such office subject only to delivery to the convention, or to a judge of the circuit court. All returns and ballot-boxes from primary districts in both city and county shall be made as aforesaid at office of election commissioners.

**SEC. 9. Certificate of election to be issued—proceedings in case of contest.**—The chairman and secretary of said committee shall issue a certificate of election to each candidate and delegate receiving the highest number of votes where the judges and clerks all sign the returns. In case any of said judges and clerks refuse to sign said returns, then the chairman and secretary of the committee shall not issue credentials for a period of twenty-four hours, and in the meantime shall give an opportunity to the various candidates for delegates and for offices to be heard, and shall summarily, within the said twenty-four hours, decide who is entitled to certificates as aforesaid, and shall issue said certificates at the end of forty-eight hours after the close of said polls, unless within that time the candidate or delegate shall file his petition, either for himself, or jointly, with one or more of his associates on the ticket, duly verified by oath, with one of the judges of the circuit court, either in term or vacation, setting forth that he or they was or were duly elected at said primary election, and the grounds and reasons why a certificate of election should be issued to him or them. Said judge shall at once, upon the filing of said petition, order the chairman and secretary of said committee to show cause why a certificate of election should not issue to said petitioner, and the said judge shall, in a summary manner, hear and decide the matters in controversy, and shall have power, if necessary, to postpone, by order, the holding of the convention for such reasonable time as may be necessary to decide the controversy not to exceed ten days; and upon hearing of said controversy the said judge shall make an order upon the chairman and secretary of said committee to issue a certificate of election to the person justly entitled thereto.

**SEC. 10. Convention—proceedings.**—Each delegate holding a certificate of election as aforesaid shall be entitled to a seat in such convention, and to participate in the preliminary organization thereof, and such certificate delivered to such candidate shall be *prima facie* evidence of the nomination for the office therein named. Every convention shall be called to order by the chairman of the committee from which the call originates, or by a person designated in writing for the purpose by such chairman. The temporary chairman of the convention shall be chosen on a call of the official roll, which shall consist as to the delegates of the persons holding the certificates of election herein provided for. The person who calls the convention to order shall exercise no other function than that of causing the official roll of delegates to be called, and the declaring of the result thereof. The committees of the convention shall be appointed by the convention, or by the temporary chairman, as the convention may order by official roll call. Each convention shall decide all questions as to the contested seats therein.

**SEC. 11. Commissioners of election to furnish ballot-boxes, etc.**—The board of election commissioners shall furnish to said county committee a sufficient number of ballot-boxes to properly conduct said primary election which shall be returned to said board of election commissioners as hereinbefore provided, and they shall also, in said cities, furnish

the poll books heretofore referred to, together with copies of the last official registration list for the election precincts contained in the primary election districts as heretofore defined.

**SEC. 12. Failure to select judges, committee to appoint.**—In the event of a failure to select judges and clerks of election in any election district herein provided for, in the manner aforesaid, then the said county central or controlling committee shall have the power to appoint such judges and clerks.

**SEC. 13. Committee's rules to control.**—The county central or controlling committee of said county shall have the power to make all such reasonable rules and regulations as to the conduct of primary elections as are not in conflict with the provisions of this act.

**SEC. 14. Delegate elected from ward at large, when.**—In case the representation to any convention called by any other political committee than the county committee shall be such that any district or ward is not entitled to at least one delegate, then the county central or controlling committee may order that the delegate shall be elected from such district or ward as the county central or controlling committee may establish. (Amended, Laws 1903.)

**SEC. 15. Crimes and punishments.**—Any person voting at such primary election who is not a qualified voter in the district where he shall offer to vote, or who shall vote or offer to vote more than once at said primary election, and any judge or clerk of election, or person assuming or chosen to act as such judge or clerk, or any chairman or secretary or acting chairman or secretary, or any member of any county central or controlling committee, or any election commissioner or other person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

## ARTICLE IV.

### PRIMARIES—KANSAS CITY ONLY.

**SEC. 7131. Primaries in cities with one hundred thousand inhabitants.**—All primary elections hereafter held by any political party having polled at least one-fourth of the total vote cast at the next preceding general election for the purpose of nominating candidates for public offices or for the election of delegates to a party convention held for the purpose of nominating candidates for public offices in cities of one hundred thousand inhabitants or over shall be held under and subject to the following provisions: And for the purpose of determining the population of such cities the aggregate vote cast for the first candidate on each ticket voted for at the last preceding presidential election in such cities shall be multiplied by five and the product shall be deemed to be the number of inhabitants in such city. (Amended, Laws 1901, p. 144.)

**SEC. 7132. Notice of election.**—The board of election commissioners in such cities, upon notification of the managing or controlling committee of such political party before mentioned, shall cause a notice to be printed in at least two daily newspapers printed in the English language, at least ten days prior to the holding of such election, which notice shall state time and place of holding same, and the offices for

which nominations are to be made: *Provided, however,* that the board of election commissioners shall, within five days, in the event of the failure or neglect of said managing committee to give such notice at least thirty-five days before the regular election, cause to be advertised, as above, a notice of a primary election to be held for such political party. (Laws 1891, p. 136, amended, Laws 1893, p. 165—b.)

**SEC. 7133. Polling places—districts, etc.**—Each ward in such cities shall have two polling places, to be designated by the board of election commissioners: *Provided,* that the board of election commissioners shall divide said ward into two districts, which shall each contain as near as possible, without dividing any election precinct, an equal number of voters, and the polling places shall then be selected by him as near as may be practicable in the center of each district. (Laws 1891, p. 136.)

**SEC. 7134. Printing and delivering ballots.**—All ballots cast in such primary election shall be printed and delivered by the board of election commissioners to the judges and clerks of election. (Laws 1891, p. 136.)

**SEC. 7135. Number of ballots.**—The board of election commissioners shall provide for each election district one ballot for each and every voter in such district. (Laws 1891, p. 136.)

**SEC. 7136. Copies of poll-books.**—It shall be the duty of the board of election commissioners to provide copies of the poll-books for the use of the judges and clerks at such primary election, and all booths and compartments in his possession that may be necessary at such election. (Laws 1891, p. 136.)

**SEC. 7137. Ballots shall contain, what.**—Every ballot printed under the provisions of sections 7131 to 7145, inclusive, shall contain the name of every candidate, also the names of each delegation grouped together upon the ballot under some caption or head-line—such caption or head-line not to contain more than three words: *Provided, however,* each candidate and each delegation shall have complied with the conditions herein provided. (Laws 1891, p. 136.)

**SEC. 7138. How other names and delegations may be placed on the ballot.**—Any number of qualified voters of a ward, but not less than twenty in number, may by petition and by depositing with the board of election commissioners the sum of fifty dollars have placed upon the ballot a delegation selected by them; and any citizen possessing the qualifications of a voter may become a candidate at such primary election, by depositing the sum of ten dollars with the board of election commissioners for each and every ward in which he may be an candidate. (Laws 1891, p. 136.)

**SEC. 7139. Judges and clerks.**—Each delegation may submit a list of three names for each polling place in the ward, from each of which lists the board of election commissioners shall appoint two, one to act as judge, the other as clerk. (Laws, 1891, p. 136, amended, Laws 1893, p. 165.)

**SEC. 7140. Pay of judges and clerks.**—No judge or clerk of such primary election shall receive for his services a greater sum than five dollars. (Laws 1891, p. 136.)

**SEC. 7141. Duties of judges and clerks.**—It shall be the duty of the judges and clerks to count the ballots at the close of the polls and certify the result, in writing, to the board of election commissioners, of the number of votes cast for each candidate and delegate; they shall

also deliver to the board of election commissioners with said returns the poll-books, the ballots cast and the ballot-boxes, and said board of election commissioners shall carefully keep said books, returns and ballots until after the convention to which said delegates shall be elected is held. In case any of the judges or clerks refuse to sign the returns from any polling place in such election, then it shall be the duty of the board of election commissioners to deliver to the said convention, when organized, the poll-books, the ballots and returns used at such polling place at said election. (Laws 1891, p. 136, amended, Laws 1893, p. 165.)

**SEC. 7142. Duty of board of election commissioners.**—It shall be the duty of the board of election commissioners to furnish a certificate of election to each candidate and each delegate receiving the highest number of votes. (Laws 1891, p. 136.)

**SEC. 7143. Polls open, when.**—The polls shall be open from 1 o'clock p. m. to 8 o'clock p. m. upon the day of such election. (Laws 1891, p. 136.)

**SEC. 7144. Judges and clerks guilty of misdemeanor, when.**—Any person who shall act as judge of election without having been duly sworn shall be deemed guilty of a misdemeanor, and, upon conviction thereof, punished as provided for in section 7128. Any person who shall serve as judge or clerk at any polling place in such election, who is not a *bona fide* resident of and a registered voter in the district in which said polling place is located, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in section 7128 of this article. (Laws 1891, p. 136, amended, Laws 1893, p. 165.)

**SEC. 7145. Election expenses, how paid.**—The expense of holding such primary election shall be paid from the money deposited with the board of election commissioners; should a surplus remain in the hands of the board of election commissioners, it shall within six months after such primary election be turned into the treasury of the school board of the city. (Laws 1891, p. 136.)

## ARTICLE IX.

### REGISTRATION AND ELECTIONS IN KANSAS CITY.

**SEC. 7270. Registration provided for.**—In all cities of this state now having, or which hereafter may have, one hundred thousand or more inhabitants, there shall be a registration of all qualified voters, and the registration of voters and the conduct of elections held in such cities shall be governed by the provisions of this article; and for the purpose of determining the population of such cities the aggregate vote cast for the first candidate on each ticket voted for at the last preceding presidential election in such cities shall be multiplied by five and the product shall be deemed the number of inhabitants in such city. (Laws 1895, p. 5, Extra Session.)

**SEC. 7271. Board of election commissioners created—how and by whom appointed—vacancies, how filled—duties of governor and mayors—qualifications and duties of commissioners.**—There is hereby created a board of election commissioners for each city that is governed by the provisions of this article composed of three members, who shall be appointed as follows: Within ten days after this article takes effect,

the governor shall appoint three election commissioners, one of whom shall be by him designated as the chairman of the board, and one of whom shall be by him designated as the secretary of the board, which said three election commissioners shall hold their office for the term of three years, and until their successors are appointed and qualified. All vacancies in said board created by resignation or otherwise shall be filled by appointment by the governor in the same manner for the unexpired term. One of said election commissioners so appointed by the governor shall be a member of the leading party politically opposed to that to which the chairman and the secretary so appointed belongs, and shall be chosen from three eligible citizens named by the city central committee of the said leading party politically opposed to that to which the chairman and the secretary belong. The commissioners thus appointed shall be legal voters and shall have resided five years in the state and at least two years next preceding their appointment in said city, and be of approved integrity and capacity. No commissioner shall hold any office nor be a candidate for any elective office while acting as such commissioner. Each commissioner before taking his seat in said board shall take an oath of office before the circuit court having jurisdiction in said city, or before a judge thereof, which oath shall be in substance in the following form, viz.:

I, ——, do solemnly swear (or affirm) that I am a citizen of the United States; that I have resided in the state of Missouri for a period of five years last past, and am a legal voter in the city of ——, in said state; that I will support the constitution of the United States and the state of Missouri, and the laws passed in pursuance thereof to the best of my ability and will faithfully demean myself and honestly discharge the duties of the office of election commissioner for said city.

Said board shall have the right to employ such additional assistants from time to time as may be necessary to promptly and correctly perform the duties of the office, under the direction of the board. The commissioners belonging to the leading party politically opposed to that to which the chairman and secretary belong, shall appoint two assistants, who shall serve a term commencing thirty days before any election day and ending thirty days after said election day; and said employes shall be subject to the same restrictions and subscribe to the same oath as the members of the board, which oath, when subscribed and sworn to before such court or judge, shall be filed in the office of the clerk of the said court, and be there preserved. Each commissioner shall also, before taking such oath, give bond in the sum of \$10,000, with securities to be approved by said court, or by some judge thereof, conditioned for the faithful and honest performance of his duties, and the preservation of the property of the office. Such board of commissioners shall at once secure and open an office sufficient for the purposes of such board, which shall always be kept open during business hours of every day, Sundays and legal holidays excepted. Upon the appointment of such commissioners, the county clerk of the county in which such city is situated, and the board of election commissioners or other custodians of said property shall, upon demand, turn over to such board of election commissioners all registry books, poll-books, tally-sheets and ballot-boxes heretofore used, and all other books, forms, blanks, stationery and property of every description in his hands in any way relating to registration or election, or the holding of elections, within said city. All the powers and duties now vested in and required of the boards of election commissioners in such cities shall hereafter vest in and be required of the

board of election commissioners herein provided for. (Laws 1895, p. 5, Extra Session, amended, Laws 1897, p. 113, amended—*a*.)

**SEC. 7272. Duty of commissioners to divide city into election precincts—re-arrangement of districts after elections.**—It shall be the duty of the commissioners of election, as hereinafter provided for in such cities, within six months after taking effect of this article, to divide such cities into election precincts, regarding ward lines, and composed of compact and contiguous territory, which shall contain as nearly as practicable three hundred actual voters; and in making such division and establishing such precincts, such commissioners shall take as a basis the poll-books or the number of votes cast at the last previous presidential election. At least six months before each presidential election the board of election commissioners shall revise and re-arrange the precincts and increase or decrease their number on the basis of the vote cast at the previous presidential election, making such precincts to contain, as near as practicable, three hundred actual voters, measured by the vote of such election. The precincts in each ward shall be numbered from one upward consecutively. (Laws 1895, p. 5, Extra Session, amended, Laws 1897, p. 115.)

**SEC. 7273. Ballot-boxes, poll-books, etc., to be provided by board.**—Such board shall provide all necessary ballot-boxes and all registry books, poll-books, tally-sheets, ballots, blanks and stationery of every description, with printed headings and certificates, and other equipment necessary and proper for the registry of voters and the conduct of such elections, and for every incidental purpose connected therewith. (Laws 1895, p. 5, Extra Session.)

**SEC. 7274. General registration of voters provided for.**—After the first organization of such board of commissioners, it shall prepare for a new and general registration of voters for the next general city election, or general state or county election, as the case may be; and when made, such registry shall be continued and revised in the manner hereinafter provided. (Laws 1895, p. 5, Extra Session—*b*.)

**SEC. 7275. Judges and clerks of election, how chosen—qualification.**—Said board of commissioners shall, at least sixty days prior to such election, select and choose four electors as judges of election for each precinct in such city. They must be citizens of the United States, and entitled to vote in the ward in which such precinct is located at the next election, and they must be men of good repute and character, who can speak, read and write the English language, and be skilled in the four fundamental rules of arithmetic, and they must be of good understanding and capable; they must reside or have a place of business in the precinct of the city for which they are selected to act, and they must not hold any office or employment under the United States, the state of Missouri, or under the county or city in which such election is to be held, and they must not be candidates for any office at the next ensuing election. Two clerks of election for each precinct shall be selected within the same time by said board, who shall possess the same qualifications as the judges. Being a notary public shall be no disqualification for judge or clerk. (Laws 1895, p. 5, Extra Session.)

**SEC. 7276. How judges and clerks of election shall be chosen—penalty for failure to appear and serve.**—In the selection of judges

(a) 131 Mo. 505; 155 Mo. 486; 167 Mo. 680.

(b) 135 Mo. 207; 131 Mo. 505.

and clerks of election, two judges and one clerk shall be selected from each of the two political parties of the state polling the largest number of votes at the last general election, to serve in each precinct, who shall be recognized members of the party from which selected. The commissioner or commissioners, shall select the judges and clerks to represent the party to which said commissioners, or commissioner, belong; and the person thus selected shall be appointed and commissioned by the board, if qualified and confirmed. In case the persons so selected as judges and clerks do not appear for examination, or notification, then some other person shall be selected and notified as aforesaid, until some eligible person is found who will serve. In all cases where the parties aforesaid do not appear and be examined, or if they do appear and refuse to serve, it shall be the duty of the commissioners to prosecute such persons for such forfeiture herein provided, and collect and pay over the same into the county treasury, or, in cities not within a county, into the city treasury; and the failure of such board of commissioners of election, or either of them, to prosecute such persons, shall be sufficient cause for removal from office, and, when established, the circuit court shall so remove such commissioner or commissioners from office. (Laws 1895, p. 5, Extra Session.)

**SEC. 7277. Examination of judges and clerks of election.**—Each and every person so selected by the board of election commissioners shall be notified of the fact of his selection, with directions to appear, within the time fixed in the notice, before such board for the purpose of examination; and if, upon examination, he is found qualified, he shall, unless excused by such board, be bound to serve as such officer for the term for which he was appointed, or until his successor is selected, if his appointment shall be confirmed by the circuit court; but no person shall be excused by such board except by reason of ill-health, old age, unavoidable absence from the city, or other imperative cause: *Provided*, that a notice, in writing, to said board, sworn to by the person so selected, that he intends to be a candidate for office at the next ensuing election, and naming the office, shall be sufficient excuse for refusal to serve. Said board of election commissioners shall keep books in which shall be written down the names of all such judges and clerks agreed upon before such notification to appear before them, and if, when they appear, they shall be rejected for want of qualification, such fact shall be noted on said books opposite their names, and if excused on the grounds aforesaid, such facts, together with the reasons therefor, shall be noted; and in like manner also, if they do not appear for examination, such fact shall be noted. No person shall be compelled to serve as judge or clerk for two years after the expiration of his term of service. The judges and clerks shall be exempt from jury duty during the term of their service. In case such person so selected and notified to appear for examination shall not appear before such board as required, or if he does appear and shall refuse to serve, he shall forfeit not less than one hundred dollars nor more than three hundred, unless it shall appear that he was not qualified for such service for any reason herein stated, or that he failed to appear for any of the grounds above set forth. And if any judge or clerk of election so selected and notified shall fail to appear for examination, or shall refuse to serve, or be excused as herein provided, the board shall forthwith appoint some other qualified judge or clerk in his place, and notify and examine him as herein provided for

notification and examination in the first instance. (Laws 1895, p. 5, Extra Session.)

**SEC. 7278.** Selection of judges and clerks to be reported to circuit court—objections—vacancies, how filled.—As soon as the judges and clerks are selected, a report of such selection shall be made and filed in the circuit court of the city or county, signed by said commissioners, certifying that the provisions of this article in regard to their qualifications have been complied with, and designating the particular political party from which each judge or clerk is appointed, and an application in writing shall be therewith made by said commissioners before said court for the confirmation of said appointments; whereupon the circuit court, or a judge thereof, shall enter an order that cause be shown, if any exist, against the confirmation of the appointment of any person so selected as judge or clerk, on or before the opening of the court, on a day to be fixed by the court, or said judge; at least five days must elapse between the time of making the application and the time fixed for hearing. Said board of election commissioners shall immediately give notice of such order, and the names of said judges and clerks so reported for confirmation, and their residence and the precincts for which they were selected, by causing the same to be published for two consecutive days in two daily newspapers in said city, and of opposite politics if possible. On the day set for hearing objections, the judges of the circuit court of the city or county, as the case may be, or such member as may be assigned therefor by the court in general term, shall sit to hear and determine all objections made in pursuance of this article relating to the confirmation of such judges and clerks of election. If no cause to the contrary be shown prior to the day fixed for hearing, the appointments made by the board of election commissioners shall be confirmed by an order entered of record. Objections to the confirmation of any judge or clerk of election shall be in writing and filed with the clerk of the court within the time aforesaid, and such objection shall specifically state the grounds upon which it is based, and shall be subscribed and sworn to before the clerk of said court by the person or persons making the same. The said circuit court, sitting as above, shall, on the day fixed for hearing objections, proceed to examine such objections, and shall thereupon fix a day, not later than five days thereafter, to hear such objections, and shall, by order of record, direct the board of election commissioners to serve notice upon the judges or clerks against whose confirmation objections have been filed; and said board of election commissioners shall forthwith serve such notice or notices by delivering the same to the proper person or persons, in the manner provided by law for the service of notices, and shall make due return thereof; and upon the day thus fixed for hearing the objections, the said court shall again sit as above and shall then proceed summarily to hear and determine the objections made, and shall adjourn from day to day until all objections filed shall be determined. If the courts shall find that any judge or clerk against whose confirmation objections have been filed does not possess the qualifications in this article prescribed, the appointment of such judge or clerk shall be rejected by order of the court in which order the cause or causes of rejection shall be specifically stated, and the costs thereof shall be paid by the city. If the objections filed shall be overruled, the appointment of the judge or clerk against whom the same was made shall be confirmed. If the court shall reject any appointments the board of elec-

tion commissioners shall forthwith nominate and report as hereinafter provided to said court some other person or persons, having the proper qualifications for judges or clerks, to fill such vacancy or vacancies; and the court shall thereupon summarily confirm or reject such appointments, or any of them, without delay, first giving two days' notice to any party against whom objections may be filed—and in all cases the party appointed to fill a vacancy must be of the same political party as the party whose place he was appointed to fill—and shall thus proceed to receive and pass upon appointments until all the precincts of the city are supplied with judges and clerks: *Provided*, that all objections shall be passed upon, and the list of judges and clerks completed, at least thirty-five days before the next election. Upon the confirmation of such judges and clerks, the board of election commissioners shall issue a commission to each of such judges and clerks, and appropriate forms shall be prepared by said board of election commissioners for such purpose. Such judges and clerks of election shall be commissioned for a term of office ending sixty days prior to the next general state election after the general election at which they were appointed to serve; and during their terms of office they shall also serve as judges and clerks at any special, local or municipal election which may be held. Where a vacancy in the office of judge or clerk shall occur after the final order of the circuit court confirming the appointments of the board of election commissioners, the said board shall make an appointment as hereinbefore provided to fill the vacancy and issue a commission to such officer: *Provided*, that if such vacancy occurs more than ten days before an election, said appointment must be submitted for confirmation to the circuit court, which shall act summarily; and any appointment made by said board shall be from the same political party as the party whose place he was appointed to fill, and when thus appointed such officer shall be subject to the same punishment in case of misbehavior as if confirmed by said court. Said board of election commissioners shall have the right at any time, in case of official misbehavior or neglect of duty, to remove any judge or clerk of election, and cause such vacancy to be filled in accordance with this article: *Provided*, that in all cases vacancies shall be filled by the appointment of members of the same political party. Such board of election commissioners shall not remove any judge or clerk except for incapacity or official misbehavior, and the reason therefor must afterward be reported in writing to such court; and if such removal be willful and without cause, said members of the board of election commissioners causing said willful removal shall be guilty of a misdemeanor under this article. (Laws 1895, p. 5, Extra Session.)

**SEC. 7279. Oath of judges and clerks.**—After the issue of a commission to such judges and clerks, they shall again be notified to appear at the office of said board of election commissioners, and shall then and there, after taking the oath of office before the board of election commissioners, or any member thereof, or some clerk of that office, who are hereby authorized to administer such oaths, receive their commissions; and the oath of office shall be in writing, and subscribed by each one, and shall be, in substance, as follows:

I, —, residing at —, in the city of —, in the state of Missouri, do solemnly swear (or affirm) that I am a legal voter in the city of —, in the state of Missouri; that I will support the laws and constitution of the United States, and of the state of Missouri, and that I will honestly discharge the duties of and faithfully demean myself in the office of judge or clerk of election (and of registration) for the — precinct of the — ward of the city

of ——, in the county of ——, in the state of Missouri, according to the best of my ability; that I will not disclose how any voter shall have voted at any election, unless required to do so as a witness in a proper judicial proceeding; that I will make no statement nor give any information of any kind as to the number of votes polled for any office or person, nor any other fact tending to show the state of the polls at any election, at any time previous to the closing of the polls.

(Laws 1895, p. 5, Extra Session.)

**SEC. 7280. Board to select place of registry and polling places.—** It shall be the duty of the said board of election commissioners to appoint the place of registry and also the polling place in each precinct. Said board shall also cause the same to be fitted up, warmed, lighted and cleaned; but in each election precinct such place or places shall be in the most public, orderly and convenient portions thereof, and no building or part of a building shall be designated or used as a place of registry or revision of registration, or as a polling place, in which spirituous or intoxicating liquor is sold. (Laws 1895, p. 5, Extra Session.)

**SEC. 7281. Clerk to furnish names of persons convicted of felony—justices, names of persons convicted of misdemeanors connected with right of suffrage—governor to furnish list of pardons.—** It shall be the duty of the clerk of any court where parties are tried and convicted of penitentiary offenses, in the county where such city is located, or in cities not within a county, or in counties to which changes of venue from such cities in such cases have been taken, to furnish monthly, to such board of commissioners, the names of all parties from such cities convicted or sentenced for any crimes the punishment of which is confinement in the penitentiary, and their place of residence, if such fact be in the possession of such clerk. It shall be the duty of the clerk of any court or of any justice of the peace of the county in which such city is located, or of said city if not in a county, where or before whom any person is tried and convicted of a misdemeanor connected with the exercise of the right of suffrage, to furnish at once to said board of commissioners the name of the party convicted of said misdemeanor, and his place of residence, if such fact be in the possession of said clerk or said justice: *Provided*, that if appeal shall be taken such facts shall also be certified, and such conviction shall not affect the right to register and vote until final determination of the appeal. It shall be the duty of the governor of the state, on or before the first day of October, in each year, to furnish to such commissioners of election the names of all persons pardoned by him out of the penitentiary, for any crime for which such party was indicted in a county where said city is located, or in a city not within a county. (Laws 1895, p. 5, Extra Session.)

**SEC. 7282. List of deceased male adults to be furnished—penalty.—** It shall be the duty of the person or officer having charge of the vital statistics of any such city to furnish such commissioners of elections, monthly, a report of the names, color and previous residence of all male persons over twenty-one years of age that have died during the preceding month. Any person violating the provisions of this section shall be guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than fifty dollars. (Laws 1895, p. 5, Extra Session.)

**SEC. 7283. Commissioners to furnish list to judges.—** It shall be the duty of the commissioners of elections to cause to be arranged,

as nearly as possible according to wards, the name and the residence, or the former residence, of all such criminals, and of all such deceased parties, and to have the same printed by wards, and furnish a printed list of the names of such persons whose residence was formerly in such wards, to all the judges of election of such wards, when acting as a board of registry, for their guidance; and when he or they shall be advised that a person convicted of a crime has been pardoned, such fact shall be noted opposite his name. Such list shall be arranged alphabetically. (Laws 1895, p. 5, Extra Session.)

**SEC. 7284. Notice of time and place of registration and election to be given.**—It shall be the duty of such board to give ten days' notice through the press, in newspapers, as provided in section 7278 of this article, of the time and place of registration and election in each precinct of the city; and they shall also cause the printed lists and supplement of registration for the previous election to be posted up at the place of registration, two days before such registration, with a printed notice of the time and place of the next registration—the posting of these lists to be obligatory only after the first registration under this article. (Laws 1895, p. 5, Extra Session.)

**SEC. 7285. Board to make rules and regulations.**—Said board of election commissioners shall make all necessary rules and regulations, not inconsistent with this article, with reference to the registration of voters and the conduct of elections; and shall have charge of and make provision for all elections, general, special, local, municipal, state and county, and of all others of every description, to be held in such city, or any part thereof, at any time. (Laws 1895, p. 5, Extra Session—c.)

**SEC. 7286. Election days declared holidays.**—The days upon which the general, state or county or city elections shall hereafter be held in such city shall be holidays, and shall, for all purposes whatever as regards presenting for payment or acceptance and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday. (Laws 1895, p. 5, Extra Session.)

**SEC. 7287. Subsequent selections of judges and clerks.**—At least sixty days prior to the next general election occurring immediately after the expiration of the term of office of said judges and clerks, said board of election commissioners constituted and appointed as hereinbefore provided, shall cause judges and clerks of election to be again selected, who shall be selected, appointed and commissioned in the same way, according to the same forms and subject to the same qualifications and limitations as required for the selection and appointment of such officers in the first instance hereunder. (Laws 1895, p. 5, Extra Session.)

**SEC. 7288. Judges to constitute precinct boards of registry.**—The judges of election shall constitute the board of registry in the precinct for which they shall be appointed. (Laws 1895, p. 5, Extra Session.)

**SEC. 7289. Qualifications of voters.**—Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States, ac-

cording to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who has resided in the state one year next preceding the election at which he offers to vote, and during the last sixty days of the time shall have resided in the city where such election is held, and during the last twenty days of that time in the precinct at which he offers to vote, who has not been convicted of bribery, perjury or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, nor directly interested in any bet or wager depending upon the result of the election, nor an officer, soldier or marine in the regular army or navy of the United States, nor while kept at any poor house or other asylum at public expense, nor while confined in any public prison, shall be entitled to vote at such election, for all officers, state or municipal, made elective by the people, or at other elections held in pursuance of the laws of the state; but shall not vote elsewhere than in the precinct where his name is registered, and whereof he is registered as a resident. (Laws 1895, p. 5, Extra Session.)

**SEC. 7290. When registration shall be made—how conducted.**—Such board of registry and the election clerks shall first meet in the precinct on Tuesday four weeks preceding the first general city election, or the first general state or county election, which may occur after the first appointment of such board of election commissioners, at the place designated by such board of commissioners, and they shall then proceed to make a general registration of all voters in such precinct. A new general registration shall be made by the board of registry in every year thereafter in which a presidential election occurs, and just prior thereto—the first day of such registration being on Tuesday, four weeks before such election, and the second day of registration being on the Saturday following; and the third day, Tuesday, three weeks before such election. Three registry books shall be furnished to each board of registry by the board of election commissioners for the purpose of such registration, and such books of registry shall be prepared substantially in the following form:

(Left-hand Page.)

## REGISTER OF VOTERS.

(Right-hand page.)

## PRECINCT WARD.

Date of application to be registered.	Why disqualify.	Voted.						Signature. Remarks.	
		Vote challenged....							
		Restored.	By court. ....	.....	.....	.....	.....		
Erased.	By com'rs. ....	.....	.....	.....	.....	.....	.....	.....	
No. of line .....	.....	.....	.....	.....	.....	.....	.....	.....	
October 5, 1885.....	.....	1	.....	.....	.....	.....	.....	.....	
October 5, 1885.....	.....	2	.....	.....	.....	.....	.....	.....	
October 12, 1885.....	Has not resided in precinct long enough.....	3	Yes. ....	.....	.....	.....	.....	.....	
October 12, 1885.....	.....	4	.....	.....	.....	.....	.....	.....	
October 12, 1885.....	.....	5	.....	.....	.....	.....	.....	.....	

One of said registry books shall be denominated "public register" on the outside or on the first page. Said board of registry shall then proceed as follows:

*First*—They shall open the registry at eight o'clock a. m., and continue in session until nine o'clock p. m., on each of said days. One of the judges shall administer to all persons who shall personally apply to register the following oath or affirmation:

You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this state: so help you God.

*Second*—Each of said clerks of election and one of said judges of election shall have charge of the registry books, and shall make the entries therein required by this article, and one of the judges shall ask the questions as to qualifications, and after he is through any of the judges may ask questions. One of the judges of election may, when necessary, relieve one of the clerks from time to time, as necessity may seem to demand, in making entries in said book.

*Third*—The name of every applicant shall be entered in such registry book, and all the facts shall be therein stated, as hereinafter provided, whether he is entitled to vote or not. If it shall be determined by the board of registry that he is not a qualified voter in such precinct, then an entry shall be made in the appropriate column, "no," and if qualified, an entry shall be made in the same column, "yes." Unless a majority of the judges shall determine the applicant is a qualified voter, he shall be entered as not qualified; in case of a tie the board of commissioners shall decide, subject to the applicant's right of appeal to the circuit court as hereinafter provided.

*Fourth*—Only such male persons, of the age of twenty-one years, residing in such precinct, as apply personally for such registration, shall be entered in such register; but every applicant who would be twenty-one years of age on the day of the next election, or, if foreign born, whose declaration of intention to become naturalized will have been made one year before such election, if otherwise qualified, shall be entered on such registers. Every applicant who has commenced to reside in such precinct at least twenty days before such election shall be entered in such registry, and shall be marked "qualified" or "disqualified," as the case may be; but unless, on the day of election, he shall have resided twenty full days in such election precinct, he cannot vote therein, although otherwise qualified.

*Fifth*—The headings to the registry books shall be so prepared that the registry shall be made alphabetically, according to the surname of each person applying, but it shall be arranged so that the residence of such person shall appear in the first column. The register shall be ruled, and one name shall be written on each line, but no name shall be written between the lines. The entries shall be as follows:

1. Under the column "residence," the name and number of the street, avenue, or other location of the dwelling, if there be a definite number, and if there shall not be a number, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If there shall be more than one house at the number given by the applicant as his place of residence, state in which house

he resides, and, if there be more than one family residing in said house, either the floor on which he resides, or the number or location of the room or rooms occupied by him, whether front or rear—every floor below the level of the street or ground being designated as the basement, the first floor above the level being designated as the first floor, and each floor above that as the second or such other floor as it may be.

2. Under the column "name," the name of the applicant, writing the surname first, and given or Christian name after in full.

3. Under the column "nativity," the state, county, kingdom, empire or dominion, as the fact stated by the applicant shall be.

4. Under the column "color," the word "white" or "colored," as the fact is.

5. Under the subdivision of the general column "term of residence," the periods, by days, months or years, stated by the applicant.

6. Under the column "native," the word "yes;" under the column "naturalized," the word "yes," according to the fact stated. If the applicant be of foreign birth, and has not been naturalized, but has made a declaration of intention to become a citizen, then under the column "declaration of intention," the word "yes."

7. Under the column "date of papers," the date of naturalization, if naturalized, or of the declaration of the intention, if made, or about that date. Where the applicant is of foreign birth, the board of registry shall require him to produce his naturalization papers or declaration of intention, as the case may be, unless the applicant shall make affidavit that they are lost or destroyed, and that he is unable to procure certified copies of them, with the reasons why he cannot procure them.

8. Under the column "court," the designation of the court in which, if foreign born, such naturalization was had or declaration of intention made; and if the name of the court cannot be had with certainty, then the name of the place in which such court was located.

9. Under the column "by act of congress," the word "yes;" in case such person, though foreign born, has been made a citizen by act of congress, without taking out his naturalization papers.

10. Under the column "qualified voter," the word "yes," or "no," as the fact shall appear or be determined by the board of registry—it being, however, required of them to designate as a qualified voter any male person who, if otherwise qualified, shall not, at the time of making application, be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his application, and not later than the day of election immediately following such time of applying, or, if foreign born, whose declaration of intention to become naturalized will have been made one year before such election.

11. Under the column "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election precinct.

12. Under the column "signature," in one of the registers, not the public register, the applicant shall write his name. If he is unable to write, he shall make his mark after his name is written for him.

13. Under the column of "remarks," whenever any member of the board of registry shall be in doubt about registering the applicant, said board shall require the applicant to give the name of three residents of the city who know that said applicant resides at the place from which he offers to register, which names shall be entered under the column headed "remarks." (Laws 1895, p. 5, Extra Session—d.)

**SEC. 7291. Attestation of each day's registration lists.**—At the end of each day's registry or revision of registration, each of said judges shall sign his name at the end of the list on each page so that no new name can be added without discovery, and shall also sign a certificate, as hereinafter provided; but, before doing so, the said judges and clerks shall compare the three registers so kept, and cause any differences to be corrected, and make the same agree in all respects; and said judges shall then attach a certificate at the end of each register, in substance in the words and figures following:

We, the undersigned judges of election in —— precinct of the —— ward of the city —— in the state of Missouri, do jointly and severally certify that at the general registration of electors in said election precinct, on the —— day of ——, there were registered by us in said election precinct the names which in this book are entered, and the number of registered and qualified voters was and is the number of ——.

Dated ——.

(Laws 1895, p. 5, Extra Session.)

**SEC. 7292. Public exhibition of registry lists—proceedings when applicant for registration is rejected.**—Said boards of registry shall, on or before noon of the day following the completion of such registry, after providing for proper protection of same, hang up the register, which shall be known as the public register, at the place of registration, so that it shall be accessible to the public during all business hours; but the two other registers shall then be returned to the board of election commissioners at once. Any voter of the precinct shall be permitted to be present at the place of registration in said precinct, and shall have the right to challenge any applicant who applies to be registered, but he shall be examined, under oath, touching the cause for such challenge; and when challenged, the applicant for registration must make an affidavit, in writing, setting out the facts which constitute him a voter in such precinct and file it with said board of registry, and if it shall be deemed sufficient, and if the board is convinced that such person is a qualified voter, then he must be admitted to such registry as qualified. Whenever, any person claiming to be an elector of any election precinct in such city has, upon application, been denied the right to be registered as a qualified voter in such precinct, if two of the precinct judges favored registering him at the time of his application, he may, within three days after the day on which said boards of registry sit for revision of the registration, make and sign an application, in writing, under oath, to said board of commissioners, in substance in the following form:

I do solemnly swear (or affirm) that I, ——, did on ——, make application to the board of registry of the —— precinct of —— ward of the city of ——, and that said board refused to register me as a qualified voter in said precinct; that I reside in said precinct, at No. —— street, am a duly qualified voter and entitled to vote in said precinct at the next election.

And if such person shall, at the time of making the said affidavit, file with said board of election commissioners a statement or certifi-

cate signed by two of said precinct judges of opposite politics, to the effect that they believe such person is entitled to registration, the board shall examine into the facts, and if said board believe that such person is a qualified voter and entitled to registration in such precinct, said board shall enter his name on the proper register as is here and after provided, and thereon note the manner of is registration, and shall file and preserve said affidavit and certificate in the office of the board. All of the proceedings before said board of commissioners in examining such application shall be public and the orders of said board shall be published from day to day in the newspapers having the city printing in such city. The boards of election commissioners shall furnish to the board of registry in each precinct two blank books, which shall be named "verification lists," each page of which shall be ruled into four columns, and those on the left hand side shall be marked thus:

**REGISTERED NAMES.**

Street number.	Name of street.	Names of voters.	Register No.	Remarks.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

And the pages on the right hand shall be marked thus:

**NAMES NOT REGISTERED.**

Street number.	Name of street.	Names of voters..	Remarks.
.....	.....	.....	.....
.....	.....	.....	.....

Such books shall each contain pages sufficient for each street, avenue, alley and court in the precinct. During the progress of registration, or immediately thereafter, the clerks of said board shall transfer all the names upon the register to the left hand page of such "verification lists," arranging them according to the streets, avenues, alleys, or courts, beginning with the lowest residence number, and placing them numerically, as nearly as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley or court at the top of the second column and then proceed to transfer the registered names to the page of such "verification lists," headed "registered names," according to the street number as above indicated. On the opposite page, headed "names not registered," the name of the same street, avenue, alley or court shall be written in the second column. If, during either day of registration, a registered voter of the ward shall come before the board of registry and make oath that he believes that any particular person upon said registry is not a qualified voter, such fact shall be noted; and after the completion of such "verification lists," such board, or one of said judges, shall make a cross or check mark in

ink opposite such name upon each of said "verification lists." If such judges shall, however, know that any person so complained of is a qualified voter, then such cross or checked mark shall not be put upon such lists, but shall go upon such list in case any one of the judges desire. Said judges shall, before noon of the next day, hang up such public register at the place of registration, and within the same period of time return the other two registers to the office of said election commissioners. (Laws 1895, p. 5, Extra Session, amended, Laws 1897, p. 111.)

**SEC. 7293. Clerks of election constituted precinct canvassers—duties.**—The clerks of election are hereby constituted canvassers of the precinct for which they are appointed, and upon the Wednesday and Thursday following the third day of registration, if so much time shall be required, said two clerks shall, each having one of said "verification lists," go together and canvass such precinct, calling at each dwelling place or each house where any one may reside in such precinct, and each dwelling place as indicated upon said "verification lists," and ascertain the name of every male inhabitant over twenty-one years of age residing in such precinct; and if they shall find that any person upon their "verification lists," on the left hand page thereof, does not reside at the place designated thereby, they shall make a check mark or cross (X) opposite such name. Said canvassers shall also write down in their "verification lists," on the right hand page thereof, so designated, "names not registered," according to the street and street numbers, all the names of all persons so ascertained by them who reside in such precinct whose names are not already upon their "verification lists." No name shall be written down on said right hand page which already appears on said left hand page of said "verification lists." Whenever deemed necessary by said canvassers, or either of them, he or they may demand of the chief, captain, sergeant or other person having command of the police in such portion of the city, to furnish a policeman to accompany them and protect them in their duties when necessary; and it shall be the duty of such chief, captain, sergeant or other person having authority over such police in such locality to furnish a policeman for such purpose, and in default thereof, such chief, captain, sergeant or other person shall be deemed guilty of a misdemeanor under this article, and shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars. If, in making any such canvass, any person shall refuse to answer questions and give the required information asked for and known to him or her, such person shall be deemed guilty of a misdemeanor under this article, and shall be liable to a penalty not to exceed \$50. In making such canvass, such canvassers shall make special inquiry at the residences as designated in the registry and "verification lists," as to all the persons so registered as qualified voters. In making such canvass, said clerks shall meet at eight o'clock in the forenoon of each day, at such place in said precinct as the judges or majority of them shall direct, which direction of said judges shall be in writing, signed by the said judges or a majority of them; three copies thereof shall be made; one copy shall be given to each of said clerks at the close of the third day of registration, and the third copy thereof shall be

returned to the board of election commissioners. Any neglect of such judges to give such direction to said clerks shall be deemed a misdemeanor, and such judge, on conviction thereof, shall be punished by imprisonment in the county or city jail not less than one nor more than six months. Said clerks shall meet at eight o'clock in the forenoon of each day of said canvass, at the place designated in said direction of the judges, and proceed with such canvass as hereinbefore directed. Each of said clerks shall have one copy of said "verification lists;" and if either of said clerks shall fail to appear at the place designated in such direction of the judges, by fifteen minutes after eight o'clock on either of said days, the chairman or secretary of the board of election commissioners of the same political faith as the clerk failing to appear, or, after appearing, failing to complete said canvass, shall immediately appoint a clerk of the same politics as the one absent or failing to act. And such clerks so willfully failing to appear at the place designated in said direction of the judges, or willfully refusing to continue or abandoning said canvass, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction thereof, by imprisonment in the county or city jail for not less than one month nor more than one year. (Laws 1895, p. 5, Extra Session.)

**SEC. 7294. Notices to be sent to persons not found.**—Immediately upon the completion of said canvass, said canvassers, or one of them, shall sign a notice and send the same through the United States mail, duly stamped, to the address given upon the registry and "verification lists," of all persons named therein against whose names they have made a cross or check mark, indicating that they did not reside at such place as before stated, and also to the address of all persons against whose names said registry board or judge of election has placed a check mark or cross in such "verification lists," which notice shall require such person to appear before the board of registry upon the Saturday following, giving the time of succession, and to show cause why his name should not be erased from such registry. Proper blanks and postage stamps shall be furnished for the purpose to said canvassers by the board of commissioners. A similar notice shall also be served by one of said canvassers, either at the time such canvass is being made or before the following Saturday, by leaving the same with the party, if found, or, if he be not found at the place designated in such registry and "verification lists," by leaving the same at such address, if there be such place. Such notice, to be sent through the mail, must be mailed not later than ten o'clock Friday morning of the week of such canvass. If sufficient postage stamps are not delivered to such canvassers by said board for the purpose aforesaid, then any one may furnish such postage stamps to such canvassers for that purpose, or such canvassers may procure the same at their own expense, and afterward render an account therefor to said commissioners, duly sworn to; and it shall be the duty of the said commissioners to audit said account and cause the same to be paid. It shall be the duty of such commissioners, upon application, to deliver to such canvassers postage stamps sufficient for the purpose aforesaid, when not delivered before, and it shall be the duty of such canvassers, or one of them, to apply to said commissioners for such

postage stamps, if sufficient number have not been delivered to them for the purpose aforesaid; and any willful neglect of said canvassers to make application for sufficient postage stamps as aforesaid, and any willful neglect of such canvassers to mail the notice aforesaid to all the parties checked and designated as aforesaid, and the willful neglect of such canvassers to leave the notice aforesaid at the place designated for such person so designated, and any willful neglect to check the name of any person on said "verification lists," transferred from the registry as aforesaid and not found at the place designated, and any willful neglect to transfer all the names from the registry as aforesaid to such "verification lists," in the manner aforesaid, shall be deemed a misdemeanor, and such canvasser or canvassers shall be punished, upon conviction thereof, by imprisonment in the county or city jail for not less than one month nor more than one year. And it shall be the duty of said board of election commissioners, when complaint is made to them, to investigate the action of such clerks or canvassers, and to cause them to be prosecuted criminally for such willful neglect of duty. (Laws 1895, p. 5, Extra Session.)

**SEC. 7295. Revision of registry—false affidavit, penalty—naturalized citizens.**—On the Saturday following the Tuesday three weeks preceding such general county, city or state election, said board of registry shall again meet at the place designated, and the said clerks of election shall meet with them, and they shall remain in session from 12 o'clock noon until 10 o'clock p. m., for the sole purpose of revising their registry; and no new names shall be added. Said canvassers, or one of them, shall make out a list of the names of parties checked and designated as aforesaid, and to whom such notice has been sent, given or left with the address, and make and attach his or their affidavit or affidavits thereto, stating that notice duly stamped was mailed to each of said parties at the places designated on such lists, on or prior to 10 o'clock a. m. of the previous Friday, and that notice was also personally left at the said address of each of said parties named in said list so attached, if there be any such address. Blank affidavits shall be furnished by said commissioners for the purpose aforesaid, but if none are furnished, such canvassers shall cause the same to be drawn, and they shall swear to such affidavit before one of the judges of such precinct. If either of said canvassers shall willfully neglect and fail to make such affidavit with the list aforesaid attached, he shall be punished in the manner as last above provided, and if such affidavit shall be willfully false, the maker thereof shall also be punished in the manner last aforesaid, and shall also be liable for perjury. If any person to whom such notice has been sent shall appear before the board of registry during that session, he shall make oath and sign an affidavit, in substance as follows:

I do solemnly swear that I am a citizen of the United States (or have declared my intention to become a citizen of the United States on the — day of —, 19—, according to law), and that I have resided in the — precinct of the — ward in the city of — and the county of — and the state of Missouri, since the — day of —; that I am not an officer, soldier or marine in the regular army or navy of the United States, and that I have never been convicted of any felony, or of any misdemeanor connected with the exercise of the right of suffrage (or if convicted, state the time of conviction, and when pardoned by the governor of the state).

This affidavit shall be signed and sworn to before one of such board of registry, and it shall afterwards be preserved and filed in the office of said election commissioners. Thereupon said board of registry shall further examine him, and shall also swear such canvassers and hear them upon the question, and they shall also have the power to send one or both of said canvassers to make further examination and inquire at the place claimed by such person to be his residence, and again examine such canvassers touching the same; and if, after such further examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall mark the word "yes" under the column of the registry marked "erase," and shall also draw a line in ink under his name; which memorandum, in case of any registration, shall indicate that the name of such person is erased from the register, and such person shall not be entitled to vote unless his name be restored as hereinafter provided. If any person already registered shall appear before said board at such session and make oath that he has removed to another place in the same precinct, said board, if they believe him, shall not erase his name, but shall make the proper correction in his residence in the books of registry. If any person to whom notice has been sent because his declaration of intention to become naturalized has been made more than five years before the next election, shall appear before said board at such session, he shall show in the same manner as in case of original registration that he has become naturalized, otherwise his name shall be erased from the register. In making correction of entries as to residence and naturalization, a line shall be drawn through the former entries, the proper entries made, and the word "corrected," with the date, written in the column headed "remarks." During the last hour of said session, if any person so notified to appear at such session shall have not yet appeared and shown cause why his name should not be erased from such register, the same shall be erased in the manner aforesaid. Either of said clerks shall have the power and right of both in the matter pertaining to such canvass, except that both are required to go together to make such canvass. But a clerk who willfully neglects to perform his duty in making such canvass shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county or city jail not less than thirty nor more than sixty days. In case of temporary disability on the part of either canvasser or clerk, the judge who belongs to the same political party may appoint a temporary clerk or canvasser, who shall belong to the same party, and administer to him the usual oath of office, and he shall perform all the duties of the office until the disability of the regular clerk or canvasser is removed. The "verification lists" aforesaid, after the final revision, shall be at once returned by the board of registry to the board of election commissioners. (Laws 1895, p. 5, Extra Session.)

**SEC. 7296. Correction, verification and printing of registers.—** At the end of the last session provided for, the said board of registry and said clerks shall compare and correct the three registers aforesaid and make them correspond and agree; and said judges shall then, immediately following the last name on each page of the register, sign

their names so that no other name can be added without discovery, and shall add the certificate as provided at former sessions; and thereupon, and during the forenoon of the next secular day, said judges shall hang up the register, known as the public register, in the place of registration for the use of the public, which shall remain there until after the election, and shall return the other two registers to the possession of the board of election commissioners; and thereupon the said board of commissioners shall at once cause copies to be made of such registers, of all the names upon the same, with the address and registration number not marked erased, and shall have the same arranged according to the streets, avenues, courts or alleys, commencing with the lowest number, and arranging the same in order according to street numbers, and shall then cause such precinct register, under such arrangement, to be printed in plain large type, in sufficient numbers to meet all demands; and upon application, a copy of the same shall be given to any person in such precinct. Said commissioners may, in their discretion, cause such precinct register to be published in one or more newspapers published in said city. (Laws 1895, p. 5, Extra Session.)

**SEC. 7297. Application for erasure of names on register.**—Any voter or voters in the ward containing such precinct may make application, in writing, before such board of election commissioners, to have any name upon such register of any precinct in the ward erased; which application shall be in substance in the words and figures following:

I (or we) —— do hereby solemnly swear (or affirm) that I (or we) believe that —— is not a qualified voter in —— precinct of —— ward of the city of ——, and hence I (or we) ask that this name be erased from the register of such precinct.

But it shall be a misdemeanor to sign or cause to be so filed any such application to have erased any name lawfully upon any such register, unless the person signing such application had then cause to fairly justify him in a belief that the name ought to be erased from such register. Such application shall be signed and sworn to by the applicant, and filed with said board. Thereupon, notice of such application, with a demand to appear and show cause why his name shall not be erased from said registry, shall be personally served upon such person, or left at his place of residence, named in such registry, by a messenger of said board of commissioners; as to the manner and time of serving such notice, such messenger shall make affidavit; said messenger shall also make affidavit of the fact in case he cannot find such person or his place of residence, and that he went to the place named on such register as his place of residence, which affidavit shall be sufficient evidence of due notice. Such notice shall be served at least one day before the time fixed for such party to show cause. Said commissioners shall also cause a like notice or demand to be sent by mail, duly stamped, and directed to such person to the address upon such registry, at least two days before the day fixed in said notice to show cause. (Laws 1895, p. 5, Extra Session.)

**SEC. 7298. Docketing and hearing applications.**—A docket of all applications to said commissioners for the purpose of erasing a name on the register, shall be made out in the order of the wards and precincts. The commissioners shall sit to hear such application on the

Tuesday and Wednesday immediately preceding such election. They shall take up the wards and precincts in their numerical order. The decision on each application shall be announced at once after hearing, and a minute made thereof. Where an application to erase a name shall be allowed, said board shall cause the same to be erased forthwith. (Laws 1895, p. 5, Extra Session.)

**SEC. 7299. Duty of court as to applications to be placed on registry—registers to be delivered to judges, when.**—The circuit court shall, on Friday and Saturday of the week prior to the week in which such election is to be held, specially sit to hear such applications as shall be made to it to be placed upon the register in any particular precinct. Such application shall be sworn to, and shall state that the party making the same has applied to the board of registry of the precinct and to the board of election commissioners, and that one or both boards refused to place him on such registry, or has stricken his name from such registry, as the case may be. Applications shall be made on or before the opening of the court on the Friday last aforesaid, and the courts shall cause a docket of such applications to be made out, arranged by wards and precincts, and the same shall be heard summarily, and evidence may be introduced for and against such application. No formal pleadings shall be required. Each case shall be decided at once on hearing, and the clerk of the court shall make a minute of the disposition of each application; a copy of such minute shall at once be given to said commissioners, who shall forthwith cause such names to be placed upon the appropriate register, and indicate that it was entered by order of the court. After the entry of the application so allowed by said court, no further change shall be permitted, and the appropriate stamp prepared shall be affixed to the end of each page of names in each precinct registered by said board of commissioners. Said books of registry so prepared shall, on the day prior to the election, be delivered to the judges of election, only one, however, to be delivered to the judge or judges representing the same political party. No person admitted to the registry by order of such court or such board shall be protected by such order in case he should be indicted for false registration or false voting. (Laws 1895, p. 5, Extra Session.)

**SEC. 7300. Appeals from action of circuit court.**—In case said circuit court shall refuse any such application, an order shall be entered accordingly on the Wednesday following the session of the court held for the purpose aforesaid, and any person desiring to appeal from the said order may appeal to the supreme court of the state, or court of appeals, according to the facts, if application be made therefor within five days after the entry of said order, and such appeal shall be allowed on the giving of an appeal bond in the penalty of \$250, conditioned to pay the expenses of such appeal in case his appeal be not sustained. The time for filing such appeal bond and certificate of evidence shall be fixed by the court, and upon presentation to the court of a certificate containing the evidence heard at such hearing within the time fixed by the court, the court shall sign the same, and thereupon the same shall become part of the record in said cause. (Laws 1895, p. 5, Extra Session.)

**SEC. 7301. Supplemental lists of names added and erased to be printed, etc.**—A supplemental list of all persons who shall have been

registered by order of such court, and a supplemental list of all persons erased from such registry by order of said board of commissioners or of said court, of sufficient quantity to accommodate each precinct, shall be printed by such board, and thereupon, on the day of election, said board shall cause to be posted up at each precinct where such election is to be held, the original printed registry and the supplemental lists aforesaid, and shall also cause a copy thereof to be delivered to each judge and clerk, and to all other persons of the ward demanding the same. (Laws 1895, p. 5, Extra Session.)

**SEC. 7302. Registration only on personal appearance of applicant—subsequent registrations.**—Every general registration shall be made in the same manner and in conformity with directions heretofore given. At every general registration, every person desiring registration must appear in person and make application under oath, as in the case of the first registration herein provided. The same forms and blanks and methods of proceedings shall be had before and by the board of registry, and by the canvassers, and by and before the judges of election and election clerks, and by the board of election commissioners and court, in every subsequent general registration, as is directed herein for the first registration, and election following the same. (Laws 1895, p. 5, Extra Session.)

#### INTERMEDIATE REGISTRATION.

**SEC. 7303. Intermediate registration provided for.**—At every election held in such city between the general registrations above referred to, the last general registration shall be used, but the same shall be revised by the board of registry of each precinct where such election is to be held; and for that purpose the board of registry shall meet on Tuesday, three weeks preceding such election, and shall hold a session from eight o'clock a. m. till nine o'clock p. m. on that day, and names may be added to the registers in the same way, upon sworn applications, as in the case of a general registration, and all the other forms and requirements are to be observed as provided with reference to general registration, both as regards the canvass after registration, the revision of the registration, and otherwise. (Laws 1895, p. 5, Extra Session.)

**SEC. 7304. Registers open for inspection.**—The registers in the office of the election commissioners shall at all times be open to public inspection without charge. (Laws 1895, p. 5, Extra Session.)

**SEC. 7305. Poll-books, ballot-boxes, etc., to be delivered to judges.**—Said judges of election of any precinct shall, on the day preceding any election, call at the office of said commissioners and receive two registers of said precinct, one being received by the representative of one leading political party, and the other by the representative of the other leading political party. The ballot-box of such precinct shall be delivered to one of said judges, and it shall contain the poll-books and all the blanks and stationery required for such election, with a sealed package of ballots and the key or keys shall be given to a judge of the opposite party. (Laws 1895, p. 5, Extra Session.)

**SEC. 7306. Registers to be returned to commissioners after elections.**—On election day said judges shall take possession of said third or public register, and after such election, and on the next day, all three of said registers shall be returned to said board of election commissioners, and said third public register shall, immediately after such election,

be corrected by said board of commissioners so as to correspond with the other two registers, or in case it shall be mutilated, or in case any register of any precinct shall be lost, said board of commissioners shall cause a true copy to be made from the other registry or registers, so that prior to the next meeting of the board of registry there shall be three registers for each precinct. This section is made applicable, and it shall be the duty of the judges of election to observe it, after each and every election. (Laws 1895, p. 5, Extra Session.)

**SEC. 7307. Removal, mutilation or destruction of register a misdemeanor—penalty.**—If any person shall willfully remove, mutilate or destroy the public register hanging up at the place of registry, he shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned in the county or city jail not less than three months nor more than twelve months. (Laws 1895, p. 5, Extra Session.)

**SEC. 7308. Vacancy on board of registry, how filled.**—Any vacancy upon such board of registry on the day of registration shall be filled by the judge or judges present, always selecting a person of the same political party as the party absent, which appointee shall be vouched for by the remaining judge of such party for said precinct; and the same oath shall be administered by one of the judges present to such temporary judge as provided for regular judges. Whenever any regular judge shall return or be present, such temporary incumbent shall vacate his office. (Laws 1895, p. 5, Extra Session.)

**SEC. 7309. Revision of registry not to be made, when.**—At any special election occurring in a portion of such city only, or which is to fill a vacancy occurring in a single office, or which is to submit propositions or amendments to a vote of the people, there shall not be a previous revision of the registry. (Laws 1895, p. 5, Extra Session, amended, Laws 1897, p. 110.)

#### ELECTION.

**SEC. 7310. Polls to be opened and closed, when.**—The election polls shall be open at six o'clock in the morning and continued open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed, and if any judge or clerk shall be behind time for fifteen minutes after the time for opening such polls he shall be guilty of a misdemeanor under this article and punished accordingly. No judge or clerk shall absent himself to exceed five minutes at any one time until the ballots are all cast and counted and returns made, except one at a time of such judges or clerks may absent himself for sufficient time to cast his vote. (Laws 1895, p. 5, Extra Session, amended, Laws 1897, p. 116.)

**SEC. 7311. Judge or clerk absent, vacancy, how filled—penalty for absence or refusal to act—other penalties.**—If any judge or clerk shall not be present after the expiration of fifteen minutes from the time to open the polls, or be disqualified or refuse to act, the judge or judges present shall fill the place of such absent judge or clerk, or vacancy, always selecting a person of the same political party as the party absent. And one of the judges shall administer to such substitute the oath as required of the judge or clerk originally appointed, and blank forms shall be sent out by the commissioners for such purpose, which oath shall be preserved and returned to the commissioners, and such appointee shall be subject to the same punishment and penalties as any

other judge or clerk. Whenever such regular judge or clerk shall be present, such substitute shall cease to act. Any judge or clerk who shall willfully absent himself from the polls on election day, without good cause, shall be guilty of a misdemeanor, and be subject to a fine or penalty of five hundred dollars. And if such judge or clerk shall willfully detain any register or poll-book or ballot, and not cause them to be produced at the polling place at the opening of the polls, or for fifteen minutes thereafter, he shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned not less than three months nor more than one year in the county or city jail, or be fined not less than \$200 nor more than \$1,000. (Laws 1895, p. 5, Extra Session.)

**SEC. 7312. Ballot-box to be kept in public view.**—Before voting begins the ballot-box shall be empty, and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, and on conviction shall be fined \$1,000 if such ballot-box shall not be kept constantly in public view during the progress of the election, unless it shall be shown by such judge that he protested against such obstruction of the view of the ballot-box, and was overruled by the majority of the judges. If any barricade or other obstruction of any kind shall be, prior to or during such election, interposed, so that all who desire cannot constantly see such ballot-box, it shall be the duty of such judges to remove such obstruction on request, or on their own motion; and if such obstruction shall not be removed on request, it shall be the duty of any sheriff, constable or police officer to remove the same on request. And such judges shall be guilty of a misdemeanor and liable to a penalty of \$1,000, on conviction, for not removing the same on demand, and shall be imprisoned in the county or city jail not less than six months nor more than one year. Any judge or justice of the peace shall have jurisdiction, on complaint, to issue a warrant to any constable, or the sheriff of the county or city, to remove such obstruction as a nuisance; and in executing such warrant, he may call any person to his assistance, and no other officer of the law or private individual shall interpose or interfere with such removal; and if he does, he shall be guilty of a misdemeanor, and on conviction he shall be imprisoned in the county or city jail not less than sixty days nor more than ninety days. (Laws 1895, p. 5, Extra Session.)

**SEC. 7313. Duties of clerks.**—Each of the clerks of the election shall keep a poll-book which contains a column headed "Number," another headed "Residence," and another headed "Names of Voters." The name and street and number of the residence of such elector voting shall be entered upon each of the poll-books by the clerks, in regular succession, under the proper headings, and the number of such voter, in the order in which he voted, placed opposite the name in the column headed "Number." (Laws 1895, p. 5, Extra Session.)

**SEC. 7314. Duties of judges.**—One of said judges of said election shall receive the ballot from the voter, and shall announce the residence and name of such voter in a loud voice. Said judge shall then write on the back of said ballot the number of the same, in the order in which it was received, which number shall also be placed opposite

the name of said voter in the poll-book in the column headed "Number," and put said vote into the ballot-box, in presence of the voter and the judges and clerks of said election, and in plain view of the public. The judges having charge of such registry shall then, in a column prepared thereon, in the same line of the name of the voter, mark "Voted," or the letter "V." If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of said judges shall administer to him an oath to answer questions; and if he shall take said oath, he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause or disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in such precinct, county or city and state, that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered; also supported by an affidavit of a registered voter who is a householder residing in such precinct, stating his own residence, and that he knows such person, and that he does reside at the place mentioned, and has resided in such precinct, county and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way; whereupon the vote of such person shall be received and entered as other votes. But such clerks and judges having charge of such registers shall state in their respective books the facts in such case, and the affidavits so delivered to said judges shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to judges of all precincts, and the judges of election shall furnish the same on demand, and administer the oath without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. (Laws 1895, p. 5, Extra Session.)

**SEC. 7315. None but those registered shall vote.**—The vote of no one shall be received by said judges whose name does not appear upon said register as a qualified voter. (Laws 1895, p. 5, Extra Session.)

**SEC. 7316. Challengers, how selected—their rights and duties.**—At every registration and election, each of the political parties shall have the right to designate and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position immediately adjoining the judges of election, inside the polling or registration booth, as will enable him to see each person as he offers to register or vote, and who shall be protected, in the discharge of his duty, by the judges of election and the police. And authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in any such city, shall be sufficient evidence of the right of the challenger for such party to be present inside the rooms where the ballot-box is kept. But in case

any challenger does not or cannot produce the authority of such chairman, it shall be the duty of such judges of election to recognize a challenger that shall be vouched for and presented to them by the persons present belonging to such political party, or who shall be vouched for by the judge representing such party. The chairman of the managing committee of each political party for such city may remove any challenger appointed by him, and substitute another in his place. The challenger so appointed and admitted to the room where such ballot-box is kept shall have the right and privilege of remaining during the canvass of the votes, and until the returns are duly signed and made. Each political party shall also have the right to a challenger placed conveniently outside of the polling booth, but not in the way of the voters. In addition to such challenger, each of the political parties casting votes at such polls, at the close of the polls shall have the right to the admission of two persons of their political faith into the room where such ballots are to be canvassed, to watch such canvass, which watchers may be selected as above prescribed in case of challengers; and in the absence of such selection, it shall be the duty of the judges of such election to admit into such room two persons of each political party so voting at such election, and who shall be vouched for by the judge or judges representing such political party, to be present during the canvass of such votes and the making of such returns; that such persons shall be of good character and sober, and shall in nowise interfere with such canvass. The police shall in no manner interfere with the entrance of such watchers into such room, but they shall keep order; and in case of any disorderly conduct on the part of any bystanders or watchers, it shall be the duty of the police, upon request of the judges, to exclude such persons from such room, and upon such watcher or watchers being excluded from such room, the judge or judges representing the same political party as the rejected watcher may select other watchers in their stead. (Laws 1895, p. 5, Extra Session:)

**SEC. 7317. Judges to be peace officers.**—Said judges of election shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the order of such judges of election; and an officer making an arrest by the direction of the judges shall be protected in making such arrest. (Laws 1895, p. 5, Extra Session.)

**SEC. 7318. Vote, how canvassed.**—As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately, and at the same place of the poll, proceed to canvass the vote so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the judges and clerks shall have been made out and signed by them. The judges of election shall have the right to station one or more police officers, or officers of the peace, at such entrance to the room where such canvass is begun or about to take place, to exclude disorderly persons and to keep the peace. The challengers present, and the watchers of such

canvass, shall be allowed to be present, and so near that they can see that the judges and clerks of said election are faithfully performing their duties. No judge of election or police or other officer shall allow such person to be molested or removed during the canvass of such ballots, nor until such statements have been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct. (Laws 1895, p. 5, Extra Session.)

**SEC. 7319. Ballots, how counted.**—The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll-lists, they shall reject the ballots, if any, found folded inside of a ballot; and if the ballots and the poll-lists still do not agree after such rejection, they shall reject all ballots not numbered as required by section 7314 of this article, and no ballot not so numbered shall be counted. The ballots so rejected shall be enclosed in an envelope marked "rejected ballots," and returned with the ballot-boxes to the board of election commissioners; and, the ballots or poll-lists agreeing or being made to agree in this way, the board shall proceed to count the vote in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike and exclude from such files any which may have a name or an erasure, or in any manner shall be different from the other of such file. One of said judges shall then take one file of the kind of ballots which contain the same names and count them by the tens, carefully examining each name on each of said ballots. Such judge shall then pass the ten ballots aforesaid to a judge of the opposite political party, who shall count them in the same manner. One of the remaining judges, in the presence and under the view of the other judge, shall then call the names of the persons named in the ten ballots, and the officers for which they are designated, and the poll-clerks shall tally ten votes for each of such persons. When said judges shall have gone through such file of ballots containing the same names by tens in that way, and when the poll-clerks shall have tallied all the votes by tens for each of such persons, they shall then take up the next file of ballots containing the same names, and shall count them by tens in the same way, and shall call the names of the persons named in said ballots and the offices for which they are designated, and the tally-clerks shall tally the votes by tens for each of said persons, in the same manner as in the first instance. When the counting of each file of ballots which contain the same names shall be completed, the poll-clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed. And when they agree upon the number, one of them shall announce it in a loud voice to the judges. The said judges shall then canvass the other kind of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the name of the person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by one of the judges,

which judge shall call each name to the poll-clerks, and the office for which it is designated; and with the judges of the opposing political party looking at the ballot at the same time, and the poll-clerk making tally of the same. When all the ballots have been canvassed in this manner, the poll-clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice to the judges the number of votes received by each candidate on each of the kinds of ballots containing his name, the number received by him on the split and scratched tickets, and the total number of votes received by him. (Laws 1895, p. 5, Extra Session.)

**SEC. 7320. Disposition of counted ballots.**—Each batch of ten ballots counted by the judges of election shall, as soon as counted, read and tallied, be strung upon a strong string, thread or twine, in the order in which they have been read; and each batch shall thus be disposed of before the commencement of the count as to the next batch. (Laws 1895, p. 5, Extra Session.)

**SEC. 7321. Vote on propositions submitted canvassed, how.**—Whenever any proposition is submitted to a vote of the people, and is printed or written upon the same ticket with the names of candidates for an office, the names, together with such proposition, shall be canvassed in the following manner: All the ballots shall be first separated into three piles, the first pile containing all the ballots in favor of such proposition; the second pile containing all the ballots against such proposition; the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile and see that the separation has been properly made. Then the first pile shall be counted by tens and the result announced to the clerk, who shall tally the same by tens; and so the second pile shall be counted, announced and tallied, and likewise the third pile, if necessary; whereupon the clerks shall announce to the judges the number of votes for, and the number of votes against such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied before the names of candidates for any office are canvassed, counted or tallied. (Laws 1895, p. 5, Extra Session.)

**SEC. 7322. Headings for tally-sheets.**—If the tally-sheets and returns should contain no heading for any proposition submitted, it shall be the duty of the clerks to write into such tally-sheets and returns the headings necessary in order to keep a correct tally, and to make a correct and accurate return; and it shall be the legal duty of the clerks and judges of election to make a true count and correct return of all votes upon any such proposition; and any willful failure or neglect of any judge or clerk to do so shall constitute a felony, and on conviction, such judge or clerk shall be sent to the penitentiary for not less than three nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7323. Proclamation of result of elections, etc.—ballots to be returned to commissioners—duty of commissioners.**—When the canvass of the ballots shall have been completed, and the poll-clerks shall have announced to the judges the total number of votes received

by each candidate, a judge of election of each political party in return shall then proclaim in a loud voice the total number of votes received by each of the persons voted for in such precinct, as shown by the tally-sheets, and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots. Immediately after making such proclamation and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," "defective" or "rejected," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, enclose the ballots so strung in an envelope, on which shall be indorsed, in writing or print, the number of the precinct and the date on which such election was held, and securely tie and seal such envelope with official wax impression seals, to be provided for the judges, in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective," "objected to," or "rejected," in such sealed package or envelope to the board of election commissioners. Two of said judges of opposite politics, shall, immediately after signing the statement of the result of the canvass and the tally-sheets, and the sealing of the ballot-box, go together to the office of the board of election commissioners, and deliver said ballots to said election commissioners, who shall keep their office open until all of said ballots have been received. Immediately upon receiving said ballots, said election commissioners shall give a receipt therefor, and shall place them, properly arranged in the order of precinct numbers, in boxes which shall be securely locked, and the keys of all such boxes shall be given to one of said election commissioners; said boxes shall then be placed in a vault having a double lock, and said vault shall be locked, and one key thereof shall be taken and kept by each of the election commissioners not having the keys to the boxes containing the ballots: *Provided*, that the commissioners having the keys to said vault shall be of opposite political parties; said board of election commissioners shall securely keep said ballots for twelve months, not opening or inspecting them themselves nor allowing any one else to do, except upon order of court in case of contested elections, or when it shall be necessary to produce them at the trial of any offense committed under this article. At the end of twelve months after said election, said ballots shall be destroyed: *Provided*, that if any contest of the election of any officer voted for at such election, or prosecution under this article, shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined. In all cases of contested elections, the parties contesting the same shall have the right to have said ballots opened and counted, and to have all errors of the judges in counting or refusing to count any ballots corrected by the court or body trying such contest. (Laws 1895, p. 5, Extra Session.)

**SEC. 7324. Certificate to be made by judges and clerks—disposition of.**—The said judges of election shall make quadruple statements

of the result of the canvass, one of which shall be written, or partly written and partly printed, in each of the poll-books used at such election. Each of the statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, city and county in relation to which such statement shall be made, and the time of opening and closing of the polls of such precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; also the number of rejected ballots and the cause of such rejection; and in case a proposition of any kind has been submitted to a vote at such election, such statement shall also show the number of votes cast for or against such proposition, written out or partly written and partly printed, in words at length, and at the end thereof a certificate that such statement is correct in all respects; which certificate, and each sheet of paper forming part of the statement, shall be subscribed by the said judges and election clerks. If any judge or election clerk shall decline to sign such returns, he shall state his reasons therefor, in writing, and a copy thereof signed by himself shall be enclosed with each return. Each of the statements, except the one contained in each of the poll-books, shall be enclosed in an envelope, which shall then be securely sealed with sealing wax, or other adhesive material; and each of the judges and each of the election clerks shall write his name across every fold at which the envelope, if unfastened, could be opened. One of the envelopes shall be directed to the circuit clerk and one to the comptroller of the city, or to the officer of such city whose duties correspond with those of comptroller. Each set of tallies shall also be signed by the election clerks and the judges of election, and each shall be enclosed in an envelope, securely sealed and signed in like manner; and one of the envelopes shall be directed on the outside to the election commissioners and the other to the city register, if there be one, and if not, to the city clerk. On the outside of every envelope shall be indorsed whether it contains the statement of the votes cast or the tallies, and for what precinct and ward. (Laws 1895, p. 5, Extra Session.)

**SEC. 7325. Disposition of poll-books, ballot-boxes, etc.**—The poll-books which contain two of the several statements or returns shall be placed in the ballot-box, and the ballot-box shall then be locked and the key removed; whereupon, said judges of election shall all write their names upon a strip of paper of sufficient length for the following purposes: Said strip of paper, after the signing of their names thereon by said judges, shall then be pasted over the key-hole in the said ballot-box, and extending upward to the upper lid of the box and carried for some distance over the top, and it shall be placed in such a way that the signatures of said judges shall extend across the place of the opening of the lid of the box, so that when the box is opened it shall tear such paper and destroy the signatures written thereon, and so that when the key shall be inserted in the key-hole it will tear the paper so pasted over the key hole. Such paper shall be fastened, with sealing-wax, or some other adhesive material, which will not permit the removal of such slip of paper without defacing the same. (Laws 1895, p. 5, Extra Session.)

**SEC. 7326. Ballot-boxes, etc., to be delivered to commissioners.**—Thereupon, one of the judges of election shall take charge of said ballot-box and its contents so enclosed, and one of the judges, who shall represent the opposite political party from the one taking the ballot-box, shall

receive and hold the key thereto. The two judges who do not have charge of the ballot-box shall each take one of the statements of the votes cast into his possession, sealed up in envelopes as aforesaid, and each of the clerks shall take one of the tally-sheets, sealed up in the envelope as aforesaid. Thereupon, and at once, the judge having possession of such ballot-box shall deliver the same, with the contents as aforesaid, to the board of election commissioners, with the seal unbroken, and shall receive a receipt therefor; and at the same time the judge having possession of such key shall deliver the same to said board of commissioners and receive a receipt therefor, and the two judges not having possession of the ballot-box, and the two clerks, shall each, before 12 o'clock of the next day after such election, deliver the statements and tallies so in their possession, respectively, to the respective officers to whom addressed, as aforesaid, and who, by this article, are entitled to receive the same, and, when delivered, each one shall take a receipt from the officer to whom delivered: *Provided*, that the clerk having the envelope addressed to the election commissioners shall deliver the same to said commissioners immediately upon the completion of the canvass; and none of them shall receive pay for their services as such judges or clerks, without the production of the receipts so given them by the officers aforesaid. It shall be the duty of the respective officers so designated, to whom such statements and tallies are ordered to be delivered, to receive the same, and to safely keep under lock and key until ordered to be surrendered as herinafter provided. (Laws 1895, p. 5, Extra Session.)

**SEC. 7327. Duty of commissioners with reference to ballot-boxes, etc.**—The said board of election commissioners, upon the receipt of said ballot-box, and key thereto, shall note the condition of the seal or stamp on said box, and enter the fact touching the same upon a book to be kept by them, together with the name of the officer who returned such ballot-box. They shall thereupon open said ballot-box and remove the poll-books containing the returns of the votes cast, and note upon the same memorandum book their condition, and shall put them in a secure place under lock and key, to which the public, in no event, shall have access. (Laws 1895, p. 5, Extra Session.)

**SEC. 7328. Penalty for failure to deliver ballot-boxes to commissioners.**—If any judge or judges or clerk taking the ballots, ballot-box, statements, tallies or poll-books, to be delivered to the board of election commissioners, shall fail to deliver the same to said board of election commissioners within two hours after the close of the canvass of the votes as aforesaid, or shall fail or refuse to comply with the provisions of this article, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$500, or imprisoned in the county or city jail not more than six months, or by both such fine and imprisonment. (Laws 1895, p. 5, Extra Session.)

#### GENERAL CANVASS

**SEC. 7329. Duty of canvassing board.**—Within eight days after the close of such election, the board of election commissioners, who are hereby declared a canvassing board for such city, shall publicly open all the returns left respectively with the election commissioners, the circuit clerk and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz.: All votes

for governor and lieutenant-governor on one sheet; all votes for other state officers on another sheet; all votes for presidential electors on another sheet; all votes for representatives to congress on another sheet; all votes for judges of the supreme court on another sheet; all votes for judges of the circuit court on another sheet; all votes for senators and representatives to the general assembly on another sheet; all votes for county officers on another sheet; all votes for city officers on another sheet; all votes for township officers on another sheet, and all votes for any other officer on a separate and appropriate sheet; all votes for and all votes against any proposition which may be submitted to a vote of the people on another sheet. (Laws 1895, p. 5, Extra Session.)

**SEC. 7330. Announcement and certification of results of elections.**—It shall be the duty of such board of canvassers to canvass, add up and declare the result of every election hereafter held within the boundaries of such city, and certify the same to the county court, and in cities not within a county to the circuit court; and the county court, and in cities not within a county, the circuit court, shall thereupon enter of record such abstracts and results, and a certified copy of such record shall thereupon be filed with the county clerk of said county, and in cities not within a county, with the clerk of the circuit court; and such abstract or results shall be treated by said clerk, in all respects, as if made by the canvassing board now provided by law, and he shall transmit the same to the secretary of state, or other proper officer, as required by law; and such abstract or result so entered and declared by such court, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the general law of the state. (Laws 1895, p. 5, Extra Session.)

**SEC. 7331. Certificates of election—county or circuit clerk to issue.**—The county clerk, and in cities not within a county, the circuit clerk, shall make out a certificate of election to each person having the highest number of votes for the several county, city and township offices, including members of the general assembly, whose district lie partly in the city and partly in the county, and deliver such certificate of election to the person entitled to it on his application. (Laws 1895, p. 5, Extra Session.)

**SEC. 7332. Certificates of election—duty of circuit and county clerks.**—The circuit clerk, and in cities within a county, the county clerk, shall make out a certificate of election to each of the persons having the highest number of votes, as declared by the order of said court, for the several city and township offices within such city, including members of the general assembly whose district are wholly within said city, and including aldermen and members of the municipal assembly, and deliver such certificate of election to the person entitled to it, on his application. (Laws 1895, p. 5, Extra Session.)

**SEC. 7333. Duty of board of canvassers where there are indications of fraud.**—If, upon opening the various returns so made by the board of canvassers aforesaid, there shall be anything to indicate that a change has been made in such returns since signing the same by the judges or clerks or of any fraud in any respect touching such returns it shall then be the duty of said canvassing board to have all the tallies opened and examined. If there shall then be any doubts as to the genuineness of such returns for any precinct, and as to the actual

vote as originally returned, and the truth respecting the same remain uncertain, it shall be the duty of said canvassers to examine any person or persons who were present at the time of the proclamation so made by the judges of election in such precinct, about which any doubt may arise, and the board shall be permitted to place such parties or witnesses under oath and examine them touching the same, and it shall be their duty to call such parties who were present at the time of such proclamation to come before them, and a subpoena may be issued by the circuit court, under the direction of said board compelling any such witnesses to come before such board and give their evidence touching the matter in controversy; and thereupon it shall be the duty of said board to declare the result of the vote in any such precinct in regard to which any question arises, in the same manner as it was proclaimed by the judges of election after the canvass by them in such precinct, which results when so declared, shall be binding and conclusive, except in case of an election contest. (Laws 1895, p. 5, Extra Session.)

#### OFFENSES.

**SEC. 7334. Offenses against registration and election laws punished, how.**—If, at any general registration of voters, or any of the meetings of the judges of election held for such purpose, or for revision thereof, as provided in this article, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person;

Or if any person shall knowingly or fraudulently register, or offer or attempt to make application to register, in or under the name of any other person, or in or under any false, assumed or fictitious name, or in or under any name not his own;

Or shall knowingly or fraudulently register in two election precincts;

Or, having registered in one precinct, shall fraudulently attempt or offer to register in another;

Or shall fraudulently register, or attempt or offer to register, in any election precinct, not having a lawful right to register therein;

Or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means, cause or procure, or attempt to procure, the name of any qualified voter, in any election precinct, to be erased or stricken from any registry of voters of such precinct, made in pursuance of this article or otherwise, as in this article provided;

Or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent, hinder or delay any person having a lawful right to register, or be registered, from duly exercising such right:

Or shall knowingly, willfully or fraudulently solicit, compel or induce, or attempt or offer to solicit, compel or induce, by such means or any unlawful means, any judge of election or other officer of registration in any election precinct, to register, or admit to registration, any person not lawfully entitled to registration in such precinct;

Or to register any false, assumed or fictitious name, or any name of any person except as provided in this article;

Or shall knowingly or willfully or fraudulently interfere with, hinder or delay any judge of election, or other officer of registration in the

discharge of his duties, or counsel, advise or induce, or attempt to induce, any such judge or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribed for regulating the same;

Or shall aid, counsel, procure, solicit or advise any voter, person, judge of election or other officer of registration to do any act by law forbidden, or in this article constituted an offense, or to omit to do any act by law directed to be done;

Or if any judge or clerk of election shall, at any registration of voters, knowingly and willfully misspell the name of any person who applies to register when he writes said name on the registry book, or shall write therein a name other than the one given him by the applicant, instead of said name, or shall under the column "Residence" on the line with any applicant's name, enter any street or number other than that given him by said applicant, or shall fail or neglect to enter in said column the street and number and the designation of the house or room, as given him by said applicant;

Every such person, upon conviction thereof, shall be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7335. Impersonation and other crimes.**—If, at any election hereafter held in any such city, any person shall falsely personate any elector or other person, and vote, or attempt or offer to vote in or upon the name of such elector or other person;

Or shall vote, or attempt to vote, in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own;

Or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office except as authorized by law;

Or shall vote or attempt to offer to vote in any election precinct without having a lawful right to vote therein;

Or vote more than once, or vote in more than one election precinct;

Or, having once voted, shall vote or attempt to offer to vote again;

Or shall knowingly, willfully or fraudulently do any unlawful act to secure a right or an opportunity to vote for himself or for any other person to vote;

Or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any elector in giving his vote;

Or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or, by any such means, induce or attempt to induce any such voter to exercise any such right;

Or shall by any such means or otherwise compel or induce or attempt to compel or induce any judge of election or other officer of election, in any election precinct, to receive the vote of any person not legally qualified or entitled to vote at the said election in such precinct;

Or shall knowingly, willfully or fraudulently interfere with, delay or hinder, in any manner, any judge of election, poll-clerk or other officer of election in the discharge of his duties;

Or by any such means, or other unlawful means, knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any judge of election, poll-clerk or other officer of election whose duty it

is to ascertain, proclaim, announce or declare the result, of any such election, to give or to make any false certificate, document, report, return or other false evidence in relation thereto;

Or to refuse or neglect to comply with his duties, or to violate any law regulating the same, or to receive the vote of any person in any election precinct not entitled to vote therein;

Or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any voter, judge or other officer of election, or any person whomsoever, to do any act by law forbidden or in this article constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session—b.)

**SEC. 7336. Punishment of clerks.**—If any election clerk or poll-clerk, or any judge of election performing the duties of poll-clerk, or other person performing such duties, shall willfully keep a false poll-list;

Or shall knowingly insert in his poll-list any false statement of any name or statement, or any check, alteration or mark, except as in this article provided, he shall upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7337. Punishment of judges.**—Every judge of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election;

Or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without complying with the provisions of this article;

Or shall willfully omit to challenge any person offering to vote whom he knows not to be entitled to vote, and who has not been challenged by any other person;

Or shall deposit any ballot in the ballot-box without first numbering the same, as required by this article, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7338. Judges, clerks and canvassers guilty of felony, when.**—Every judge of election, member of any board of canvassers, poll-clerk or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election in any precinct or in any city, who shall willfully make any false canvass of such votes;

Or shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false;

Or who shall willfully deface, destroy or conceal any statement, tally or certificate entrusted to his care or custody;

Shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two years nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7339. Punishment of other persons.**—If any person other than a judge of election, shall, at any such election, knowingly and willfully put or cause to be put any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes.

Or if any such judge of election shall knowingly and willfully cause or permit any ballot or ballots to be in said box at the opening of the polls, and before the voting shall have commenced;

Or shall knowingly, willfully or fraudulently put any ballot or other paper having the semblance thereof, or cause or permit any ballot, or other paper having the semblance thereof, to be put into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this article;

Or if any such judge of election, or other officer or person, shall fraudulently, during the canvass of the ballots, in any manner change, substitute or alter any ballot taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed;

Or shall remove any ballot, or semblance thereof, from, or add any ballot or semblance thereof to, the ballots taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two years nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7340. Election or registration officers guilty of felony—penalty.**—If any judge of election, poll-clerk or other officer of registration, revision, election or canvass, of whom any duty is required in this article, or by the election laws of this state, so far as the same are consistent with the provisions of this article, shall be guilty of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, unless the punishment thereof is in this article otherwise prescribed, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7341. Frauds of officers—penalty.**—Every commissioner of elections, judge of election, poll-clerk or other officer or person having the custody of any record, registry of voters or copy thereof, oath, return or statement of votes, certificate, poll-list, or of any paper, document or vote of any description in this article directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof;

Or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this article;

Or who permits any other person so to do,

Shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7342. Procuring or abetting fraud a felony—penalty.**—Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section,

or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7343. False swearing—penalty.**—Any person who shall be convicted of willfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this article shall be adjudged guilty of willful and corrupt perjury, and shall be punished according to the laws of the state. (Laws 1895, p. 5, Extra Session.)

**SEC. 7344. Instigating false swearing—penalty.**—Every person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer to do so, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury. (Laws 1895, p. 5, Extra Session.)

**SEC. 7345. Fraudulent changing or substituting ballots—penalty.**—If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector, with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, which shall be thrown out and not counted, or otherwise willfully defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished with imprisonment in the penitentiary for not less than two nor more than five years, or imprisonment in the city or county jail not less than six months nor more than one year. (Laws 1895, p. 5, Extra Session.)

**SEC. 7346. Convicts voting—penalty.**—If any person who shall have been convicted of bribery, felony or other infamous crime, under the laws of any state, and who has never received the pardon for such offense from the officer entitled to grant such pardon, shall thereafter vote, or offer to vote, at any election in such city, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7347. Disobeying lawful commands of registration or election officer—penalty.**—If any person shall willfully disobey any lawful command of any judge of election, or of any board of registry, given in the execution of his or their duty as such at any election or registration, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county or city jail for not less than thirty days nor more than one year, or by a fine not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment. Any misdemeanor under this article for which no penalty is specially provided shall be punished as provided in this section. (Laws 1895, p. 5, Extra Session.)

**SEC. 7348. Interference with duties of officers, etc.—penalty.**—If, at any general registration of voters or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly conduct, violence or threats of violence, whereby any such registration, revision, election or canvass shall be impeded or hindered;

Or whereby the lawful proceedings of any judge of election, or board of registration, or poll-clerk or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, is interfered with;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment. (Laws 1895, p. 5, Extra Session.)

**SEC. 7349. Assaulting judges or clerks, etc.—penalty.**—If any person, knowingly or willfully, shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, poll-clerk, challenger or person designated as provided in this article to be present at the canvass of any ballots in the performance of any duty required of him, or which he may by law be authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise, unlawfully, shall, on the day of registration, revision of registration or of election, hinder or prevent any judge of election, poll-clerk, challenger or person designated as provided in this article to be present at the canvass of ballots, in his free attendance and presence at the place of registration or revision of registration, or of election, in the election precinct in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of registration, revision of registration, or of election;

Or to or from any room where such registration, revision of registration or election, or canvass of votes, or making of any return or certificates thereof, may be had;

Or shall molest, interfere with, remove or eject from any such place of registration or poll of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such judge of election, poll-clerk, challenger or person designated, as provided in this article to watch the canvass of any ballots, except as otherwise provided in this article, or shall unlawfully threaten or attempt or offer so to do;

Every such person shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county or city jail for not less than six months nor more than one year, or shall be fined not less than two hundred nor more than one thousand dollars, or both. (Laws 1895, p. 5, Extra Session.)

**SEC. 7350. Destroying, concealing or removing ballot-boxes or ballots a felony—penalty.**—If any person, upon the day of such election, or before the canvass of votes is completed, shall conceal or willfully break or destroy any ballot-box used or intended to be used at such election;

Or shall willfully or fraudulently conceal, secrete or remove any such box from the custody of judges of election; or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot-box at such election which has not been counted or canvassed; or poll-list used at such election; or any report, return, certificate or other evidence in this article required, as provided for;

Every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offense, be punished by

imprisonment in the state penitentiary for not less than two nor more than five years. (Laws 1895, p. 5, Extra Session.)

**SEC. 7351. Illegal registration or canvassing by officers—penalty.**—If at any election precinct at any registration of voters or revision thereof, or at any election hereafter held in such city, any judge of election or poll-clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register or poll-books, or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the judges of election in such election precinct are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county or city jail for not less than thirty nor more than sixty days, or by a fine of not less than one hundred nor more than one thousand dollars, or by both such fine and imprisonment. (Laws 1895, p. 5, Extra Session.)

**SEC. 7352. Judge absenting himself, etc.—penalty.**—If any judge of election in any election precinct shall, without urgent necessity, absent himself from the place of registration, or the polls of said precinct, upon any day of election, whereby less than a majority of all the judges in such election precinct shall be present during such hours of registration, election or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county or city jail for not less than sixty days nor more than one year, or shall be fined not less than five hundred nor more than one thousand dollars, or both. (Laws 1895, p. 5, Extra Session.)

**SEC. 7353. Judges and clerks not to electioneer—penalty.**—It shall be unlawful for any judge of election, poll-clerk, challenger or person designated as provided in this article, or any person or persons within in the polling place, to electioneer for any candidate, party or proposition. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county or city jail for not less than ten nor more than ninety days, or by a fine of not less than fifty nor more than one hundred dollars, or both. (Laws 1895, p. 5, Extra Session.)

**SEC. 7354. Offenses by police officers—penalty.**—If any police officer shall, at any election precinct, intimidate, assault or drive away from the polls any duly qualified voter, or prevent, or attempt to prevent, any such lawful voter from exercising his elective franchise;

Or shall disobey any lawful order of a judge of election;

Or shall intimidate, assault or interfere with any judge of election, clerk of election, challenger or watcher in the performance of his duties, or willfully permit any other person to intimidate, assault or interfere with them or any of them; or, shall knowingly fail to arrest any one attempting to vote the second time at such precinct, after having voted once thereat;

He shall, upon conviction, be adjudged guilty of a felony, and be punished by imprisonment in the penitentiary for not less than two nor more than five years.

In addition thereto, the board of police commissioners of any city aforesaid, upon complaint being made to it that any officer has been guilty of any of the offenses aforesaid, shall cite said officer before the board for trial; said trial shall be public, upon oral testimony, and the board shall issue subpoenas for all witnesses required by said complainant and said defendant officer, and said board of police commissioners shall have power to compel the attendance of witnesses at said trial.

If, upon such trial, said officer shall be found guilty of any of the offenses aforesaid, he shall be summarily dismissed from the force; and upon sworn complaint being made to said board of police commissioners that any officer has been guilty of any of the offenses aforesaid, said board shall at once suspend said officer, and shall not reinstate him until after trial before said board and acquittal. (Laws 1895, p. 5, Extra Session.)

**SEC. 7355. Forfeitures to be paid into treasury.**—All forfeitures provided for in this article shall be recovered in the name of the board of election commissioners, and shall be paid, when collected, into the county or city treasury. (Laws 1895, p. 5, Extra Session.)

**SEC. 7356. Irregularities no defense, etc.**—Irregularities or defects in the mode of noticing, convening, holding or conducting an election authorized by law shall constitute no defense to a prosecution for a violation of the provisions of this article. (Laws 1895, p. 5, Extra Session.)

**SEC. 7357. "Election" and "householder" defined.**—Every act which, by the provisions of this article or the general election laws, is made a crime when committed with reference to the election of a candidate, is equally criminal when committed with reference to the determination of the question submitted to electors, to be decided by votes cast at an election. The word "election," as used in this article, shall be construed to designate elections had within any city, for the purpose of enabling electors to choose some public officer or officers under the laws of this state or the United States, or to pass any amendment, law or other public act or proposition submitted to vote by law. The word "householder," as used in this article, shall mean the chief or head of a family, who resides with the family as a family, and who supports and provides for such family as an independent family. (Laws 1895, p. 5, Extra Session.)

**SEC. 7358. Fine and imprisonment for misdemeanor.**—In case of misdemeanor committed where a matter of fine shall be imposed instead of imprisonment, such party shall be discharged from imprisonment only on condition of payment of the fine, and unless paid, imprisonment shall continue until such fine shall be canceled by an allowance of three dollars per day for each day of imprisonment. (Laws 1895, p. 5, Extra Session.)

**SEC. 7359. Commissioners to aid in prosecuting offenses.**—It shall be the duty of such election commissioners to aid in the prosecution of all crimes and offenses against this article, and they shall keep a book in which shall be entered all complaints against persons claimed to be guilty of the violation of this law, and when in the judgment of such election commissioners such offense has probably been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provision of this article, and cause the parties to be punished accordingly. (Laws 1895, p. 5, Extra Session.)

#### COMPENSATION.

**SEC. 7360. Commissioners and assistants paid, how—salaries.**—In all cities not within counties such election commissioners and assistants employed by the board of election commissioners shall be paid by the city; in all other cities having a board of election commissioners, the salaries of such election commissioners and assistants shall be paid one-half by the city and one-half by the county. The members of such

board shall each receive a salary of \$2,500 per year, except in cities not within a county, where the salaries of the members designated as chairman and secretary, shall be \$2,500 per year, and the salary of the third member shall be \$2,000 per year, all payable monthly. The assistants employed by the commissioners shall receive a salary of \$4 per day for the time actually employed, payable monthly. All expenses incurred by said board of election commissioners and all costs and expenses of registration and election in such cities shall be paid one-half out of the city treasury and one-half out of the county treasury, except in cities not within a county, in which cities all shall be paid out of the city treasury, and all printing, binding, etc., shall be let by contract, subject to such regulations as are or may hereafter be prescribed by ordinance of any such city. (Laws 1895, p. 5, Extra Session, amended—e.)

**SEC. 7361. Pay of judges and clerks.**—All judges and clerks of election under this article shall be allowed and paid at the rate of three dollars per day. (Laws 1895, p. 5, Extra Session.)

**SEC. 7362. Number of days' service credited to judges and clerks.** Each judge of election who has performed all the duties and services required of him by this article, at the general registration, and at the election following, shall be credited with five full days' services and no more; but at any election prior to which there is only an additional registration and revision, being a registration between the general registrations, he shall be credited with three full days' service and no more, in case he performs all the duties required of him by this article. At the elections held under this article where there is no additional registration or revision of registration each judge or clerk of election shall only be credited with one day's service each. When any judge or clerk does not perform all the services required by this article, then such board of election commissioners will audit his time, and shall allow him pro rata compensation. Each clerk of election, if he has performed all the services required of him by this article, at the general registration and at the election following shall be credited with seven days' service and no more; but at any election prior to which there was only an additional registration and revision, being a registration between the general registrations, he shall be credited with five full days' service and no more, in case he performs all the duties required of him by this article. (Laws 1895, p. 5, Extra Session.)

**SEC. 7363. City to pay judges and clerks, when.**—At all city elections, general or special, though other than city officers may be elected at the same time with such city officers, and at all special elections in any part of the city, at which a city officer is elected, such city shall pay such judges and clerks of election for their services under this article. (Laws 1895, p. 5, Extra Session—f.)

**SEC. 7364. County or city to pay judges and clerks, when.**—At all general, county and state elections which include officers elected through the whole county though other than state and county officers are also elected, and all special elections for a county or state officer or member of congress, or member of the legislature, such county, or city not within a county, shall pay such judges and clerks of election for their services under this article. (Laws 1895, p. 5, Extra Session.)

**SEC. 7365. Commissioners shall audit claims.**—Said board of election commissioners shall audit all the claims of judges and clerks of

(e) 141 Mo. 45.

(f) See 155 Mo. 486.

election, and all other claims under this article, and shall draw a warrant therefor upon such county or city treasury, as the case may be. (Laws 1895, p. 5, Extra Session.)

#### MISCELLANEOUS PROVISIONS.

**SEC. 7366. Jurats, commissioners and judges may administer oaths.**—All oaths in writing provided for in this article must have a jurat or certificate of the officer taking the same, attached and signed by him; and said election commissioners and said judges of election are hereby empowered to administer all oaths and affirmations required in the administration of the affairs of their several offices without charge therefor. (Laws 1895, p. 5, Extra Session.)

**SEC. 7367. Judges and clerks exempt from jury service.**—In cities having a jury commissioner, the board of election commissioners shall, immediately upon the confirmation of the appointments of judges and clerks, by the court, certify to said jury commissioner, the names and places of residence of all persons so confirmed, together with the date of expiration of the term of service of each as a judge or clerk of election; and upon receipt of such certificate said jury commissioner shall mark all such persons "exempt" upon his jury list, and shall not draw any of them as jurors during their term of service as such judges or clerks. (Laws 1895, p. 5, Extra Session.)

**SEC. 7368. Commissioners may be removed for misconduct.**—The said commissioners of election appointed by the governor may be removed by him upon notice for official misconduct, and the commissioner appointed by the mayor may be removed by the mayor for like cause. (Laws 1895, p. 5, Extra Session.)

**SEC. 7369. Office of recorder of voters abolished.**—All acts and parts of acts inconsistent with this article are hereby repealed, and the office of recorder and deputy recorder of voters in all the cities governed by the provisions of this article is hereby abolished. (Laws 1895, p. 5, Extra Session.)

#### FEDERAL NATURALIZATION LAWS.

##### **Aliens, how naturalized.**

**SEC. 2165.** An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

##### **Declaration of intention.**

I. He shall declare, on oath, before a circuit or district court of the United States, or a district or supreme court of the territories, or a court of record of any of the states having common-law jurisdiction, and a seal and clerk, two years at least prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state or sovereignty of which the alien may be at the time a citizen or subject.

##### **Oath to support the constitution of the United States.**

II. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he

will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

**Residence in United States, or States, and good moral character.**

III. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the state or territory where such court is at the time held one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

**Titles of nobility to be renounced.**

IV. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

**Persons residing in the United States before January 29, 1795.**

V. Any alien who was residing within the limits and under the jurisdiction of the United States before the 29th day of January, 1795, may be admitted to become a citizen, on due proof made to some one of the courts above specified that he has resided two years at least within the jurisdiction of the United States, and one year at least immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring, on oath, that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, state or sovereignty whereof he was before a citizen or subject; and also, on its appearing to the satisfaction of the court that, during such term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien applying for admission to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility. All of the proceedings required in this condition to be performed in the court shall be recorded by the clerk thereof.

**Persons residing between June 18, 1798, and June 18, 1812.**

VI. Any alien who was residing within the limits and under the jurisdiction of the United States between the 18th day of June, 1798, and the 18th day of June, 1812, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court that the applicant was residing within the limits and under the jurisdiction of the United States

before the 18th day of June, 1812, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

**Declaration of intention, before whom taken.**

Amending section 2165. Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, that the declaration of intention to become a citizen of the United States, required by section 2165 of the Revised Statutes of the United States, may be made, by an alien before the clerk of any of the courts named in said section 2165; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.

**Aliens honorably discharged from military service.**

SEC. 2166. Any alien of the age of twenty-one years and upward, who has enlisted or may enlist in the armies of the United States, either the regular or the volunteer forces, and has been or may be hereafter honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied, by competent proof, of such person's having been honorably discharged from the service of the United States.

**Aliens honorably discharged from service in navy or marine corps.**

\* \* \* Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy, or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps. \* \*

Act July 26, 1894, c. 165, 28 Stat. 121.

(This is a provision of the naval appropriation act for the fiscal year ending June 30, 1895, cited above).

**Minor residents.**

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minor-

ity, be admitted a citizen of the United States, without having made the declaration required in the first condition of section 2165; but such alien shall make the declaration required therein at the time of his admission, and shall further declare, on oath, and prove to the satisfaction of the court, that for two years next preceding it has been his *bona fide* intention to become a citizen of the United States; and he shall, in all other respects, comply with the laws in regard to naturalization.

**Widow and children of declarants.**

SEC. 2168. When any alien who has complied with the first condition specified in section 2165 dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

**Aliens of African nativity and descent.**

SEC. 2169. The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity, and to persons of African descent.

**Chinese not to be naturalized.**

That hereafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

(Act May 6, 1882, C. 126, § 14, 22 Stat. 61.)

**Residence of five years in United States.**

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission, resided within the United States.

**Alien enemies not admitted.**

SEC. 2171. No alien who is a native citizen or subject or a denizen of any country, state or sovereignty with which the United States are at war at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States or the territories thereof on the eighteenth day of June in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

**Children of persons naturalized under certain laws to be citizens.**

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are or have been citizens of the United States shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great

Britian during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.

**Police court of District of Columbia has no power to naturalize foreigners.**

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

**Naturalization of seamen.**

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States, for the purpose of manning and serving on board any merchant vessel of the United States anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

# Forms Prepared in Conformity to the Australian Ballot Law—Election 1906.

## \*CERTIFICATE OF NOMINATION.

[For State Officers Nominated by Convention.]

THIS IS TO CERTIFY that at a regularly called convention of the —— party of Missouri composed of delegates duly elected from the several counties in the State of Missouri, and held at ——, Mo., on the —— day of ——, 190—, for the purpose of nominating candidates for the offices hereinafter named for the State of Missouri, to be filled at the ensuing general election, to be held on the —— day of November, A. D. 190—: Said convention was organized by the election of ——, whose residence is ——, —— county, Missouri, as presiding officer; and ——, whose residence is ——, —— county, Missouri, as secretary, and that they were the permanent officers of said convention; that the —— party represented by said convention of delegates polled at the last general election more than three (3) per cent. of the entire vote cast in the State of Missouri; that said convention nominated the persons hereinafter named, whose place of residence and occupation are set opposite their respective names, as the candidates of the —— party for the offices opposite to which their names herein appear, viz:

\* See note below.

Office.	Name of candidate.	Residence.	Occupation.
Superintendent of Public Schools.....			
Railroad and Warehouse Commissioner.....			

WITNESS our hands and seals this —— day of ——, 190—.

—————, (Seal) Chairman.

—————, (Seal) Secretary.

State of Missouri, { ss.  
County of ——. }

Personally appeared before the undersigned, a notary public within and for the county of ——, in the State of Missouri, on the —— day of ——, 190—, ——, who are personally known to me to be the same persons who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at ——. Missouri, in said county, the day and year first above written.

My commission expires ——, 190—.

(Seal.)

—————, Notary Public.

\* To be filed with the Secretary of State not more than 60 days and not less than 20 days before the general election.

\* NOTE—Use same form for certifying judicial nominations made by convention. (See Sec. 7162, R. S. 1899.)

**\*CERTIFICATE OF NOMINATION.**

[Of State Officers by Petition of Electors.]

To \_\_\_\_\_, Secretary of State, Jefferson City, Missouri:

[Name of Secretary.]

The undersigned electors of the State of Missouri, residents of the county of —— therein, pursuant to the election laws of said State, do hereby certify that the persons hereinafter named for nomination are the candidates of the —— party (embodying the principles set out in the State and National platforms of said party) for the offices set opposite their respective names herein, to be voted for at the ensuing general election to be held on Tuesday, November ——, 190—, and that we and each of us are *bona fide* supporters of the candidate sought to be nominated and have not aided and will not aid in the nomination of any other candidate for the same office, to wit:

Office.	Name.	Residence.	Occupation.
Judge Supreme Court (long term)...	.....	.....	.....
Judge Supreme Court (short term).....	.....	.....	.....
Superintendent of Public Schools.....	.....	.....	.....
Railroad and Warehouse Commissioner.....	.....	.....	.....

Names of Signers.	Postoffice.	County.
.....	.....	.....
.....	.....	.....
.....	.....	.....

State of Missouri,      }  
County of ——.      } ss.

On this —— day of ——, 190—, before me, a notary public within and for the county of ——, personally appeared (here insert all the names of electors signed to the foregoing petition), to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at office in ——, Missouri, the day and year first above written.

My term of office as a notary public will expire —— day of ——, 190—.

(Seal.) \_\_\_\_\_, Notary Public.

\* This form can readily be adapted to the nomination of circuit and district candidates.

[To be signed by electors equal to one per cent. of the entire vote cast in the State at the last preceding general election, though such names shall be not less than fifty and not exceed 1,000 and to be filed with the Secretary of State not more than 60 and not less than 20 days before the general election.]

**\*CERTIFICATE OF NOMINATION.**

[For District or Circuit, where only One Candidate is Nominated.]

THIS IS TO CERTIFY that at a regularly called convention of the — party of Missouri, composed of delegates duly elected from the several counties in the — (district or circuit) and held at —, — county, Missouri, on the — day of —, 190—, for the purpose of nominating a candidate for — to be filed at the general election to be held on Tuesday, the — day of November, 190—, said convention was organized by the election of —, whose residence is —, — county, Missouri, as presiding officer, and —, whose residence is —, — county, Missouri, as secretary, and that they were the permanent officers of said convention; that the — party, represented by said convention of delegates, polled at the last general election more than (3) three per cent. of the entire vote cast in the (district or circuit); that said convention nominated —, whose place of residence is —, — county, Missouri, and whose occupation is that of a — as the — nominee for —.

WITNESS our hands and seals this — day of —, 190—.

—————, (Seal) Chairman.  
—————, (Seal) Secretary.

State of Missouri, { ss.  
County of —.

Personally appeared before the undersigned, a notary public within and for the county of —, in the State of Missouri, on the — day of —, 190—, —, who are personally known to me to be the same persons who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at —, Missouri, in said county, the day and year first above written.

My commission expires —, 190—.

(Seal)

—————, Notary Public.

\*To be filed with the Secretary of State not more than 60 days and not less than 20 days before the general election.†

†Candidates for districts or circuits wholly within a county or city must be certified to county clerks or commissioners of elections.

N. B.—Where there are more nominees than one their names, residences and occupations may be set out in the same certificate. The names of the presiding officer and secretary may be included in one acknowledgment, or they may be set out in separate acknowledgments.

**\*CERTIFICATE OF NOMINATION.**

[For County Officers Nominated by a Convention of Delegates.]

THIS IS TO CERTIFY that at a regularly called convention of the — party, composed of delegates duly elected from the several townships composing the county of —, in the State of Missouri, held at — in said county, on the — day of —, A. D. 190—, for the purpose of nominating candidates for the offices hereinafter named for — county, in Missouri, to be filed at the ensuing general election, to be held on the — day of November, A. D. 190—, which said convention was organized by the election of — of —, — county, Missouri, as Chairman, and — of —, — county, Missouri, as Secretary, and they were the permanent officers of said convention; that the — party, represented by said convention of delegates, polled at the last general election more than three (3) per cent. of the entire vote cast in said county; that the said convention for said — county, Missouri, nominated the persons hereinafter named, and whose place of residence and occupation are set opposite their respective names, as the candidates of the — party for the county offices opposite to which their names appear, viz:

Office.	Name of candidate.	Residence.	Occupation.
Representative.....			
Presiding Judge of County Court .....			
Judge of the County Court—District.....			
Judge of the County Court—District.....			
Judge of Probate Court .....			
Clerk of the Circuit Court.....			
Clerk of the County Court.....			
Recorder of Deeds.....			
Prosecuting Attorney.....			
Sheriff.....			
Collector of the Revenue.....			
Treasurer... .....			
Coroner.....			

WITNESS our hands and seals this —— day of ——, 190—.

—————, (Seal) Chairman.  
—————, (Seal) Secretary.

State of Missouri,      }  
County of ——.      } ss.

Personally appeared before the undersigned, a notary public within and for the county of ——, in the State of Missouri, on the —— day of ——, 190—, —— who are personally known to me to be the same persons who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at ——, Missouri, in said county, the day and year first above written.

My commission expires ——, 190—.

(Seal.)

—————, Notary Public.

\* To be filed with the County Clerk not more than 60 and not less than 15 days before the general election.

#### \*CERTIFICATE OF NOMINATION.

[For County Officers by Primary Election.]

THIS IS TO CERTIFY that at a primary election of the —— party, of —— county, regularly called by and held under the auspices of the —— County Central Committee for —— county, in the State of Missouri, in said county, on the —— day of ——, A. D. 190—, for the purpose of nominating candidates for the offices hereinafter named for —— county, in Missouri, to be filled at the ensuing general election, to be held on the —— day of November, A. D. 190—, said primary election for said —— county, Missouri, nominated the persons hereinafter named, and whose places of residence and occupation are set opposite their respective names, as the candidates of the —— party for the county offices opposite to which their names appear, namely:

Office.	Name of candidate.	Residence.	Occupation.
Representative.....	.....	.....	.....
Presiding Judge of the County Court.....	.....	.....	.....
Judge of the County Court—District.....	.....	.....	.....
Judge of the County Court—District.....	.....	.....	.....
Judge of the Probate Court.....	.....	.....	.....
Clerk of the Circuit Court.....	.....	.....	.....
Clerk of the County Court .....	.....	.....	.....
Recorder of Deeds.....	.....	.....	.....
Prosecuting Attorney .....	.....	.....	.....
Sheriff.....	.....	.....	.....
Collector of the Revenue.....	.....	.....	.....
Treasurer.....	.....	.....	.....
Coroner .....	.....	.....	.....

And that the —— party polled at the last general election more than three (3) per cent. of the entire vote cast in said county.

WITNESS our hands and seals this — day of —, 190—.

\_\_\_\_\_(Seal) Chairman — Central Committee for — County.

\_\_\_\_\_(Seal) Secretary — Central Committee for — County.

State of Missouri, {ss.  
County of \_\_\_\_\_. {ss.

Personally appeared before the undersigned, a notary public within and for the county of —, in the State of Missouri, on the — day of —, 190—, who are personally known to me to be the same persons who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at —, Missouri, in said county, the day and year first above written.

My commission expires —, 190—.

(Seal.)

—————, Notary Public.

\* To be filed with the County Clerk not more than 60 and not less than 15 days before the general election.

## Correct Form of Ticket and Titles of Officers— Election, 1906.

.....Ticket.

(Name of party.)

For Judge of Supreme Court—(Long term.)

For Judge of Supreme Court—(Short term.)

For Superintendent of Public Schools:

For Railroad and Warehouse Commissioner:

First Constitutional Amendment—(Authorizing counties and other municipal corporations, by a two-thirds vote, to become indebted for the purpose of grading, constructing, paving, or maintaining of paved, graveled, macadamized or rock roads and necessary bridges and culverts.)—YES.

First Constitutional Amendment—(Authorizing counties and other municipal corporations, by a two-thirds vote, to become indebted for the purpose of grading, constructing, paving, or maintaining of paved, graveled, macadamized or rock roads and necessary bridges and culverts.)—NO.

Second Constitutional Amendment—(Providing for the election of sheriffs and coroners for a term of four years.)—YES.

Second Constitutional Amendment—(Providing for the election of sheriffs and coroners for a term of four years.)—NO.

For Representative in Congress:

For State Senator:

\*For Representative:

For Presiding Judge County Court:

\* If more than one, insert number of district.

For Judge County Court ----- District:

For Judge County Court ----- District:

For Judge Probate Court:

**For Clerk Circuit Court:**

**For Clerk County Court:**

For Recorder of Deeds:

**For Prosecuting Attorney:**

For Sheriff:

**For Collector of the Revenue:**

For County Treasurer:

**For Coroner:**

For

For

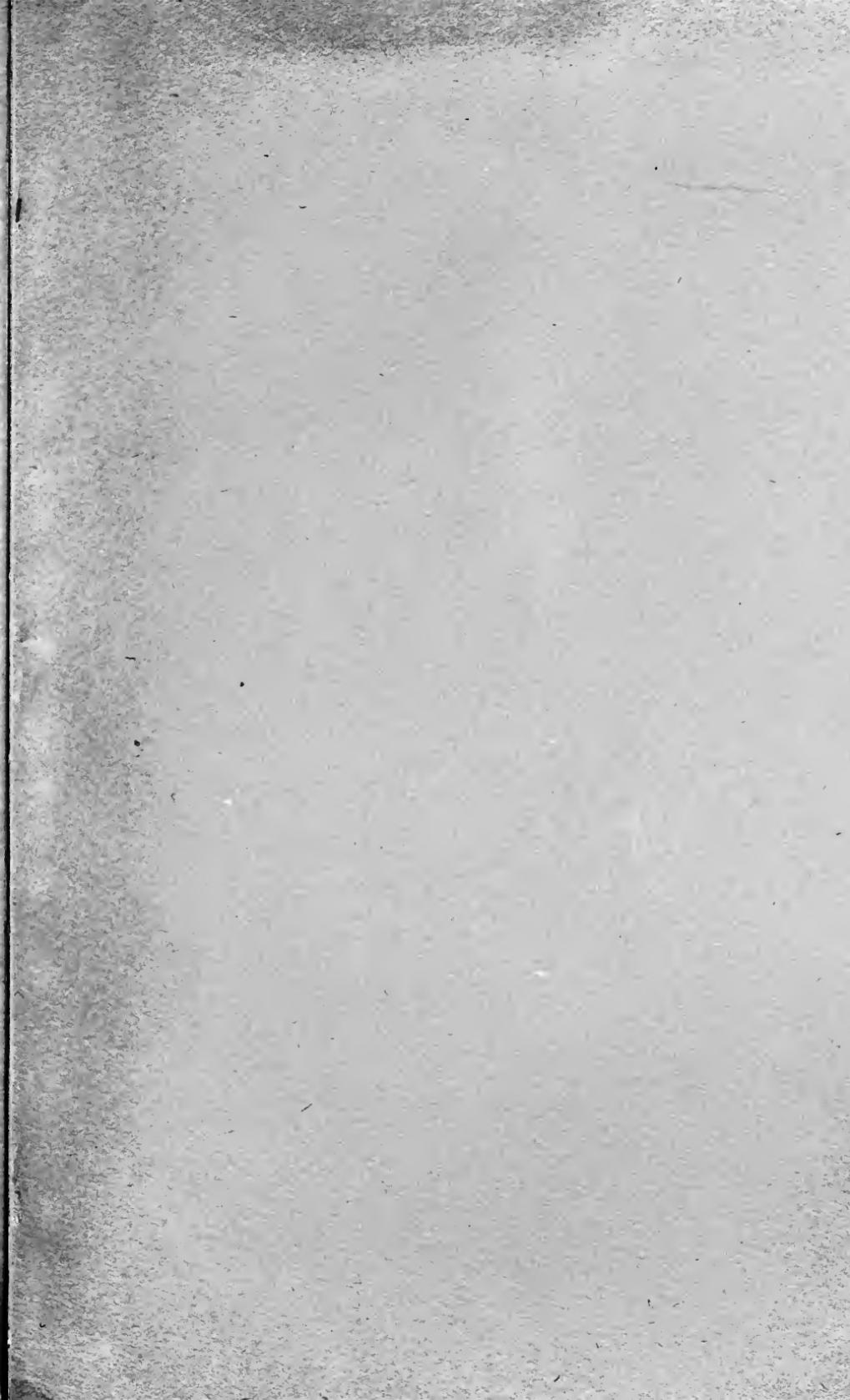
For Constable ----- Township:

NOTE.—In counties where vacancies in county offices are to be filled in 1906, county clerks are required to add the names of regular nominees with a blank line under name of each nominee on regularly nominated tickets, and also to supply blank space in regular form for each of such vacancies to be filled, on all tickets of political parties having made no nomination for such vacancies.

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